

An aerial photograph of a city, likely Los Angeles, with a semi-transparent blue overlay. The image shows a dense urban area with various buildings and streets.

# Appendix C

## *Summary of Community Engagement*





## Summary of Community Engagement

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A summary of citizen participation is provided below.

As part of the 6<sup>th</sup> Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These recent outreach efforts included Virtual Townhall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from townhall and public meetings, notices, and draft public review documents are available on the City's website: [www.costamesaca.gov/housing-element-update](http://www.costamesaca.gov/housing-element-update).

Outreach for the 6<sup>th</sup> Cycle Housing Element to the Costa Mesa community includes the following actions:

- **Virtual Townhall Meeting #1** – The City conducted a virtual townhall meeting on November 18, 2020 for community members to come and learn about the Housing Element update process and provide initial feedback and guidance. The townhall was hosted in both Spanish and English. Advertising for the townhall included handouts and flyers, posts on the City's website, doorknob hangers, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 78 participants attended the Townhall.
- **Subject Matter Expert Meetings** – Between February 9, 2020, and February 11, 2021, the City held meetings with various groups of professionals throughout the community to solicit topic-specific input as it relates to the Housing Element. These subject matter expert groups included Developers, Housing Advocates, and Homeless Assistance Providers.
- **District Specific Meetings** – On February 17<sup>th</sup> and 18<sup>th</sup>, 2021, the City held two district specific meetings to receive area-specific input from each Council District. The meetings allowed residents and local stakeholders from Council Districts 1-6 to provide recommendations on areas that can/cannot accommodate housing in their district, as well as provide insight on their district-specific needs and considerations as they relate to the Housing Element. Both meetings included a Spanish language breakout room for those who wished to participate in Spanish.
- **Targeted Focus Group Meetings** – throughout the Housing Element Update period, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. This included meetings with both English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.
- **Online Community Survey** – From November 19, 2020, to February 24, 2021, the City launched an online community survey to gather feedback and input regarding the Housing Element Update. There were a total of 465 survey respondents who participated. The survey was available in



Spanish and English. Participants were asked to consider existing housing and community needs and provide recommendations on the locations and types of housing that would best assist the City.

- **Planning Commission Study Session** – On March 1, 2021, the City held a Planning Commission Study Session to provide information regarding the status of the Housing Element. The study session informed the Planning Commission on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an introduction to the sites analysis in order to meet the City’s RHNA allocation.
- **City Council Study Session** – On March 23, 2021, the City held a City Council Study Session to provide information regarding the status of the Housing Element. The study session informed the City Council on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an overview of the potential areas of the City that could be appropriate to include in the City’s housing strategy.
- **City Council and Planning Commission Joint Study Session** – On April 27, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide and update and request feedback on the Housing Element Update’s progress, including the Community Profile, opportunities and constraints to housing, and potential housing opportunities to meet the RHNA allocation.
- **Virtual Townhall Meeting #2** – The City conducted a second virtual townhall meeting on September 2, 2021, to provide information about the Public Review Draft and information on how the community can provide feedback. The townhall was hosted in both Spanish and English. Advertising for the townhall included city-wide mailer, posts on the City’s website, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 69 participants attended the English Townhall and 7 participants attended the Spanish Townhall.
- **City Council and Planning Commission Joint Study Session** – On September 13, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide an update on the Public Review Draft and request feedback prior to submission of the Draft Housing Element to the State Department of Housing and Community Development.

This Appendix contains all public comments regarding the Housing Element received by the City at scheduled public meetings. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have been provided to each member of the City Council.



## C.1 Virtual Townhall Meeting #1

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at [www.costamesaca.gov/housing-element-update](http://www.costamesaca.gov/housing-element-update).



# City of Costa Mesa

## 2021-2029 Housing Element Update

### Virtual Community Townhall Meeting

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We need your input! Please join us at our first virtual community townhall meeting for information about the City's Housing Element Update, new State requirements, and to share your ideas about the future of housing in Costa Mesa.

**When:** Wednesday, November 18, 2020 at 6 PM  
(el miércoles 18 de noviembre del 2020 a las 7:30 PM en español)

**For instructions on how to access the meeting go to:**  
<https://www.costamesaca.gov/housing-element-update>





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# Ciudad de Costa Mesa

## Actualización del Elemento de Vivienda 2021-2029 Taller Comunitario Virtual

¡Necesitamos su opinión! Por favor únase a nosotros en nuestra primera reunión comunitaria virtual para obtener información acerca de la Actualización del Elemento de Vivienda de la ciudad, los nuevos requisitos por parte del estado, y para compartir sus ideas acerca del futuro habitacional en Costa Mesa.

**Fecha:** el miércoles 18 de noviembre del 2020 a las 7:30 PM

**Para recibir instrucciones sobre cómo obtener acceso a la reunión, vaya a:**

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# City of Costa Mesa

## 2021-2029 HOUSING ELEMENT UPDATE

The City of Costa Mesa is in the process of updating the 2021-2029 Housing Element. This Fact Sheet answers commonly asked questions and provides information about the update process.

### What is a Housing Element?

The Housing Element is one of the required elements of the City of Costa Mesa's General Plan. The Housing Element provides policies, programs, and actions that support and encourage housing growth at all income levels.

### Key Sections of the Housing Element:

- Population and housing analysis for Costa Mesa
- Evaluation of constraints to building housing and identifying potential resources for housing development
- Evaluation of 2013-2021 Housing Element programs and policies to determine what worked and what needs to be changed
- Analysis of potential housing sites that can accommodate Costa Mesa's anticipated housing needs in the next eight years
- Development of policies, programs, and quantified objectives for the 2021-2029 planning period



### What is the Regional Housing Needs Assessment (RHNA) Process?

The RHNA process is mandated by state law and lays out the number of housing units in different income categories that Costa Mesa must plan for. The RHNA is determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) for each city in the Southern California region. For the 2021-2029 Planning Period, the City of Costa Mesa is allocated 11,733 housing units based on the income categories listed below. The Housing Element is required by the State to identify sites to accommodate this estimated growth.

### 2021 - 2029 City of Costa Mesa RHNA Housing Needs Allocation

Income Category	% of Area Median Income (AMI)	Income Range*		RHNA Allocation (Housing Units)
		Min.	Max.	
Very Low Income	0 - 50%	--	\$51,500	2,912 units
Low Income	51 - 80%	\$52,530	\$82,400	1,790 units
Moderate Income	81 - 120%	\$83,430	\$133,900	2,084 units
Above Moderate Income	> 120%	\$133,900	--	4,947 units
<b>Total</b>				<b>11,733 units</b>

\*Income range is based on the 2020 HUD Area Median Income (AMI) for Orange County of \$103,000.

# City of Costa Mesa 2021-2029 HOUSING ELEMENT UPDATE

## Why is the City Updating the Housing Element?

The City of Costa Mesa is required by state law to update its Housing Element every eight years. The current adopted Housing Element is for the 2013-2021 planning period. The City is now planning for the 2021-2029 planning period.

### Importance of Updating the Housing Element:

- Allows the community to provide feedback to guide the future of housing in Costa Mesa
- Ensures the City complies with State housing laws
- Allows the City to become eligible for State grants and funding sources
- Demonstrates the ability to meet future anticipated housing growth needs

## What is Included in the Update Process?

The update process is community-based and will include a variety of activities to interface with the Costa Mesa community. Key features include:

- A series of community workshops and other community engagement opportunities
- Comprehensive review of the community to analyze existing conditions
- Identification of sites to meet 2021-2029 RHNA
- Public Hearings before the Planning Commission and City Council

## How Can You Participate in the Update Process?

There are a variety of ways you can participate throughout the planning process:

- **Virtual Townhall Meeting** will be held on November 18, 2020 for community members to come and learn about the process and provide their feedback and guidance to the City. This townhall meetings will be hosted in English and in Spanish.
- **District Specific Meetings** in December 2020 for in-depth discussions related to issues and opportunities within each of the six unique districts.
- Sign up to be placed on the interest contact list.
- Respond to the Community Survey available on the website.
- Submit written comments to the email address provided below.
- Once all public comments are collected, a Public Review Draft will be available for review and comments in Spring 2021.



## Project & Outreach Timeline



For continuously updated information, please visit:  
[www.costamesaca.gov/housing-element-update](http://www.costamesaca.gov/housing-element-update)  
 or contact:

Minoo Ashabi, Principal Planner, City of Costa Mesa  
[housing-element@costamesaca.gov](mailto:housing-element@costamesaca.gov)

# Ciudad de Costa Mesa

## Actualización del Elemento de Vivienda 2021-2029

La ciudad de Costa Mesa está en proceso de actualizar el Elemento de Vivienda 2021-2029. Esta hoja informativa responde a las preguntas más frecuentes y proporciona información sobre el proceso de actualización.

### ¿Qué es un Elemento de Vivienda?

El Elemento de Vivienda es uno de los elementos requeridos por el Plan General de la ciudad de Costa Mesa. El elemento de vivienda proporciona normas, programas y acciones que apoyan y fomentan el crecimiento de la vivienda en todos los niveles de ingreso.

### Secciones clave del Elemento de Vivienda:

- Análisis de población y vivienda para Costa Mesa
- Evaluación de las limitaciones para construcción de viviendas e identificación de recursos potenciales para el desarrollo de viviendas
- Evaluación de los programas y normas del Elemento de Vivienda 2013-2021 para determinar qué funcionó y qué debe cambiarse
- Análisis de sitios potenciales de vivienda que puedan adaptarse a las necesidades habitacionales anticipadas en los siguientes ocho años
- Desarrollo de normas, programas y objetivos cuantificados para el periodo de planificación 2021-2029



### ¿Qué es el Proceso de Evaluación de las Necesidades Regionales de Vivienda (RHNA)?

El proceso RHNA es un mandato de la ley estatal y establece el número de unidades de Vivienda en las diferentes categorías de ingreso para las que Costa Mesa debe planificar. El RHNA es determinado por el Departamento de Vivienda y Desarrollo Comunitario del estado (HCD) y es distribuido por la Asociación de Gobiernos del Sur de California (SCAG) para cada ciudad en la región del sur de California. Para el Período de Planificación 2021-2029, a la ciudad de Costa Mesa se le asignan 11,733 unidades de Vivienda según las categorías de ingreso que se indican a continuación. El estado requiere que el Elemento de Vivienda identifique los sitios que se adapten a este crecimiento estimado.

### 2021-2029 Distribución RHNA de las Necesidades de Vivienda de Costa Mesa

Categoría de Ingresos	% de Ingreso Familiar Rango Medio (MFI)	Escala de Ingresos*		Distribución del RHNA
		Min.	Max.	
Ingresos muy bajos	0 - 50%	--	\$51,500	2,912 unidades
Ingresos bajos	51 - 80%	\$52,530	\$82,400	1,790 unidades
Ingresos moderados	81 - 120%	\$83,430	\$133,900	2,084 unidades
Ingresos por encima de Ingresos Moderados	> 120%	\$133,900	--	4,947 unidades
<b>Total</b>				<b>11,733 unidades</b>

El rango de ingresos se basa en el HUD Ingreso Familiar Rango Medio (MFI) del Condado de Orange de \$103,000.

# Ciudad de Costa Mesa

## Actualización del Elemento de Vivienda 2021-2029

### ¿Por qué la ciudad está Actualizando el Elemento de Vivienda?

La ley estatal requiere que la ciudad de Costa Mesa actualice su Elemento de Vivienda cada ocho años. El Elemento de Vivienda adoptado actualmente es para el período de planificación 2021-2029.

#### Importancia de Actualizar el Elemento Vivienda:

- Permite a la comunidad proporcionar comentarios para orientar el futuro habitacional de Costa Mesa
- Se asegura que la ciudad cumpla con las leyes estatales de vivienda
- Permite que la ciudad sea elegible para subvenciones estatales y fuentes de financiación
- Demuestra la capacidad de satisfacer las futuras necesidades de crecimiento de vivienda previstas

### ¿Qué se incluye en el proceso de actualización?

El proceso de actualización se basa en la comunidad e incluirá una variedad de actividades para interactuar con la comunidad de Costa Mesa. Las características clave incluyen:

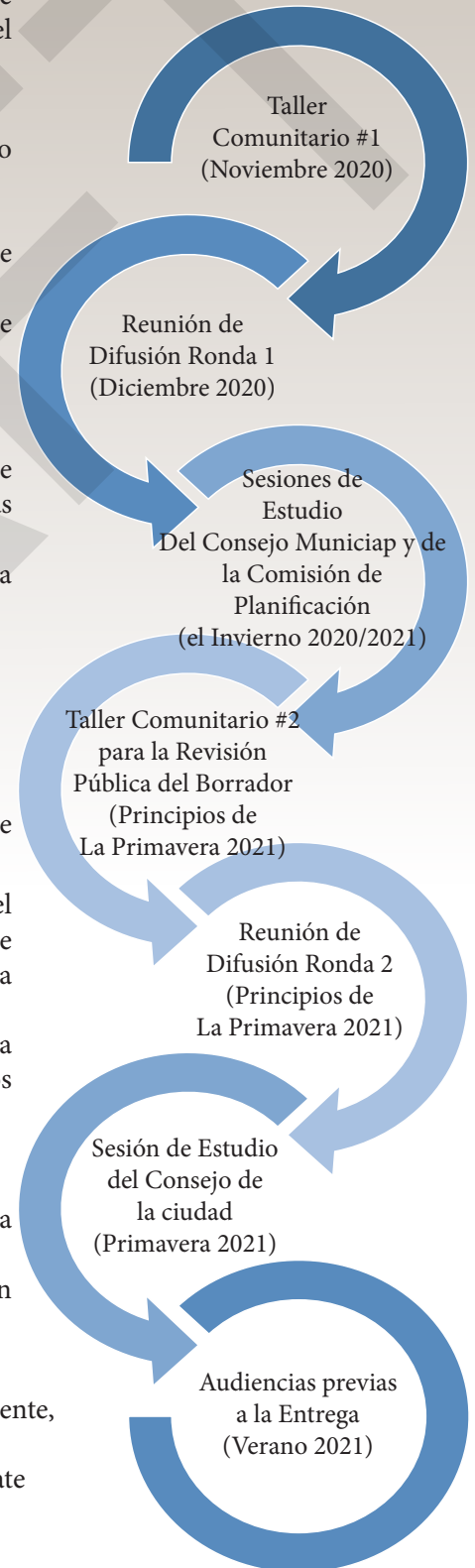
- Una serie de talleres comunitarios y otras oportunidades de participación para la comunidad
- Una revisión integral de la comunidad para analizar las condiciones existentes
- La identificación de sitios para cumplir con el 2021-2029 RHNA
- Audiencias públicas ante la Comisión de Planificación del Consejo Municipal

### ¿Cómo puede Participar en el Proceso de Actualización?

Hay una variedad de formas en las que puede participar a través del proceso de planificación:

- **El Taller Virtual del Ayuntamiento** se llevará a cabo el 18 de noviembre del 2020 para que la comunidad asista y aprenda sobre el proceso y proporcione sus comentarios y orienten a la ciudad. Estas reuniones públicas se llevarán a cabo en inglés y en español.
- **Reuniones Específicas del Distrito** en diciembre del 2020 para discusiones a fondo relacionadas con problemas y oportunidades dentro de cada uno de los seis distritos únicos.
- Anótese para registrarse en la lista de contactos interesados
- Responda a la Encuesta Comunitaria disponible en el sitio web.
- Envíe sus comentarios por escrito al correo electrónico que se proporciona abajo.
- Para revisar y proporcionar comentarios acerca del Borrador de la Revisión Pública en la primavera del 2021.

### Cronograma del Proyecto y la Difusión



Para recibir información actualizada continuamente,  
por favor visite:

[www.costamesaca.gov/housing-element-update](http://www.costamesaca.gov/housing-element-update)

o comuníquese con:

Minoo Ashabi, Planificado

[housing-element@costamesaca.gov](mailto:housing-element@costamesaca.gov)

## Housing Element Update Townhall Meeting Q&A

The first Housing Element Townhall meetings to kick start the community outreach were held on November 18<sup>th</sup> at 6:00 (English) and 7:30 (Spanish). A total of 68 individuals participated in the virtual events and presented a number of questions that are included in the following summary. For more details on the meetings such as the video and presentations, please refer to the City's Webpage at: <https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

### **RHNA – Regional Housing Needs Assessment**

#### 1. What is the status of the City's RHNA allocations appeal?

The Southern California Association of Governments (SCAG) adopted the Draft RHNA Allocations for southern California on September 3, 2020. The City as well as many other cities in the region received a very large RHNA allocation for this Housing Element cycle. The City has appealed the Draft RHNA allocation. Based on initial information from SCAG, the City is anticipating an Appeal Hearing in January 2021. The City will be informed of any changes to the RHNA allocations after the January 2021 Appeal Hearings.

#### 2. How many dwelling units have been allocated to Costa Mesa?

Costa Mesa has been allocated a total of 11,733 housing units over the next 8 years.

#### 3. What is the RHNA allocations breakdown based on income and can they be adjusted?

The 11,733 units are divided into four income categories as shown below. The City can go beyond the requirement for very low and low income categories but these minimums are set by the state. Very low and Low income category housing are the most challenging to develop because of the high price of real estate in Orange County.

Very Low Income: 2,912 units

Low Income: 1,790 units

Moderate Income: 2,084 units

Above Moderate Income: 4,947 units

#### 4. Does permanent supportive housing count towards lower income categories?

In most cases, newly developed Permanent Supportive Housing can count towards the City's RHNA allocation at the income levels that units are being rented at. Units must meet the Census definition of a dwelling unit (for instance, group homes where tenants only lease a room may not qualify) and fall within the set income ranges for the very-low, low, moderate, and above moderate levels. Every project is a little different and additional project-specific information will be needed in the future to determine if units may qualify.

#### 5. Are there requirements for the number of housing types as there is with income?

There are no requirements for the number of housing types to be built in the next 8 years; however, the Housing Element includes provisions to address the housing needs of a variety of household types such as seniors, larger families, assisted living, etc.

6. Does the City have a contingency plan if the appeal is not approved?

If the appeal is not approved, the City will need to proceed with the plan for the addition of 11,733 units over the next 8 years.

7. Why did the City have a very low RHNA during the 5<sup>th</sup> Housing Element Cycle?

The methodology used to calculate the RHNA allocations are adjusted each cycle to address the housing need at that particular cycle. With the 5<sup>th</sup> Cycle, many cities in Orange County received low RHNA numbers based on vacancy and other factors that were reflective of the recession at the time.

**Costa Mesa**

1. How many City Council districts are in the City?

There are 6 districts in Costa Mesa. Please visit this link to see which District you live in:  
<http://apps.costamesaca.gov/maps/VotingDistrict.html>.

2. Are there reports on the number of recently built units?

Annual Progress Reports are available on the City website and provide information on the number of permits granted and households added. The 2018-2019 Progress Report is available at this link:  
<https://www.costamesaca.gov/home/showpublisheddocument?id=39281>.

3. Can the City engage the State to build housing on publicly owned properties such as the Fairview Developmental Center and the OC Fairgrounds?

The City can discuss opportunities with the State and add the Zoning and General Plan to allow for additional housing on these sites; however, the State holds the decision making power on those properties and the housing element cycle is for 8 years. The State process for release of public land and development is very lengthy and may not be addressed in this cycle.

4. Does the City have an inclusionary housing ordinance?

City Staff is currently reviewing options for an inclusionary housing ordinance to coincide with the Housing Element Update. The City Council will be the review and approving body on the ordinance which will also be subject to certain studies to develop potential in-lieu fees. Staff anticipates this ordinance to be ready for review by latter part of 2021.

5. How is rent control managed by the City?

The City does not currently have rent control measures. Any policies related to rent control at local level may be reviewed and addressed through the 2021-2029 Housing Element Update Process.

**Housing Element Update**

1. How will zoning be affected?

The Housing Element Update will assess how additional housing units may be added throughout the City given existing zoning. If existing zoning does not enable the City to reach its RHNA allocation, the Housing Element may recommend future consideration of rezoning.

2. What email address can be used to reach the City's Housing Element Update team?

Please email any questions or comments regarding the Housing Element Update and future housing growth in Costa Mesa to: [housing-element@costamesaca.gov](mailto:housing-element@costamesaca.gov).

3. Is the focus on single-family homes or multi-family rental units?

The Housing Element Update will look at all types of housing throughout the City and consider opportunities for new housing development. The purpose of the community outreach is to better understand the needs and support of residents on various housing options.

4. Will the new student housing at OCC count towards RHNA?

The new student housing will not count towards RHNA as it was completed outside of the projection dates (June 30, 2021 to October 15, 2029).

5. How will the City ensure lower income housing is built once the plan is created/hold developers accountable for creating affordable housing?

The Housing Element may identify potential incentives available to developers who include affordable housing components to housing developments. Most affordable housing agreements require long-term affordability covenants; the state requires a minimum of 55 years.

6. What can be done about the development costs?

The Housing Element process will include public input regarding possible constraints due to development costs and/or fees. [How are other City committees and groups involved in the Housing Element Update?](#)

The City will be hosting Subject Matter Expert and Target Focus Group meetings to receive feedback from experts in the field on particular topics. These meetings will be posted to the City's Housing Element Update webpage once a date is set and community members may attend.

**Other**

1. Can higher density housing improve traffic?

Higher density housing developments may mitigate additional traffic when located within walking distance from amenities, commercial and retail uses, and job centers. Housing developments that incorporate mixed-use methods (combining housing and retail uses) may also decrease the need for residents to drive.

2. How will parks and recreation space be increased as population increases?

As housing developments are proposed, park fees are assessed in order to ensure adequate recreational open space and maintenance services are provided to the community.



## C.2 Online Community Survey

This section contains an outline of the survey questions, summary of survey comments, and total survey results. The survey was made available on the City's webpage and survey results were presented to the City Council.



## The City of Costa Mesa is updating its Housing Element and needs your input!

You can take the survey on the  
Housing Element Update website at

**<https://qrco.de/bbsnzZ>**

or by scanning the  
**QR code** below.

For continuously updated  
information, please visit:

**[www.costamesaca.gov/  
housing-element-update](http://www.costamesaca.gov/housing-element-update)**



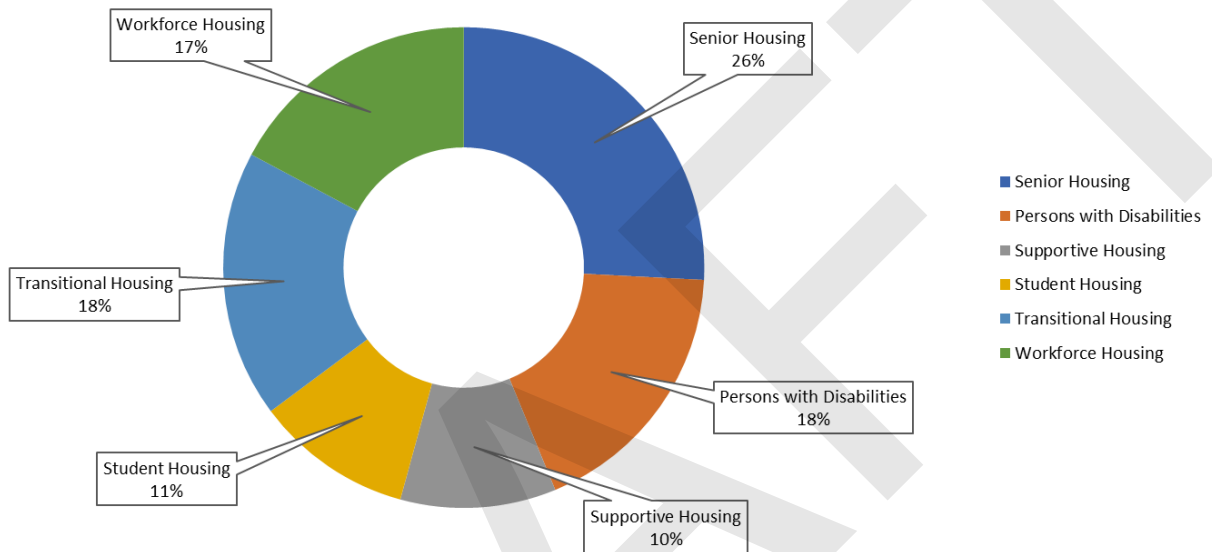
**SURVEY**



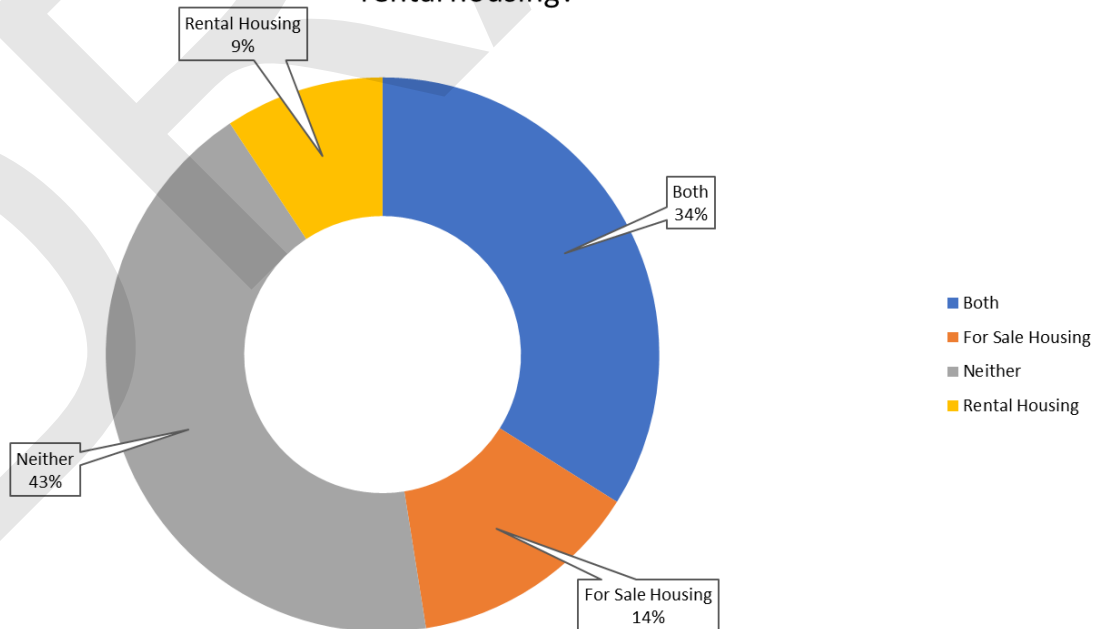
## Community Survey Data – English (447 responses)

Fair Housing - Special needs housing groups are those who may require housing modifications or specific housing accommodations. Please select all groups that you believe need additional housing in Costa Mesa.

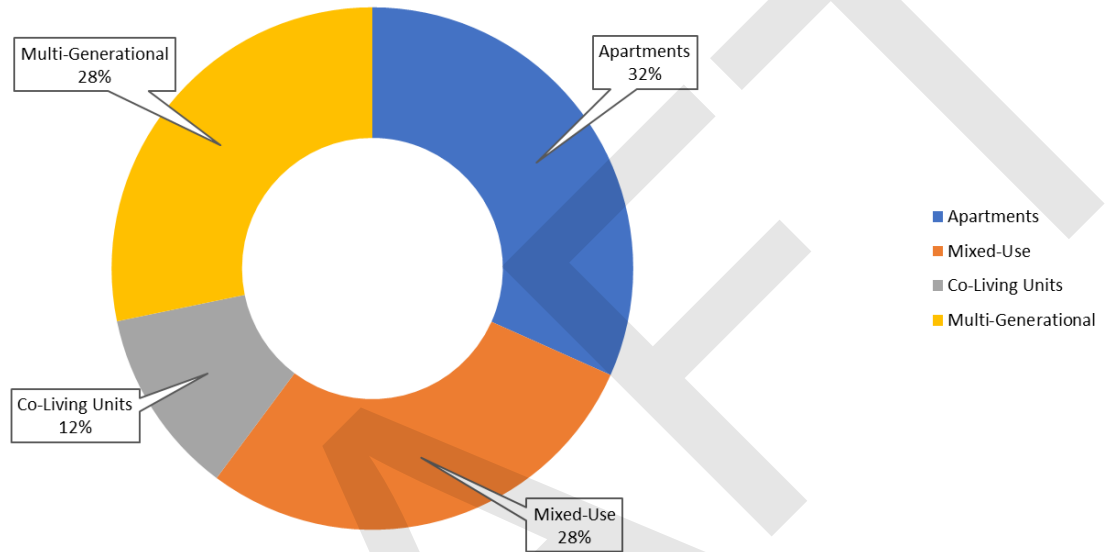
and Housing for Special Needs Group



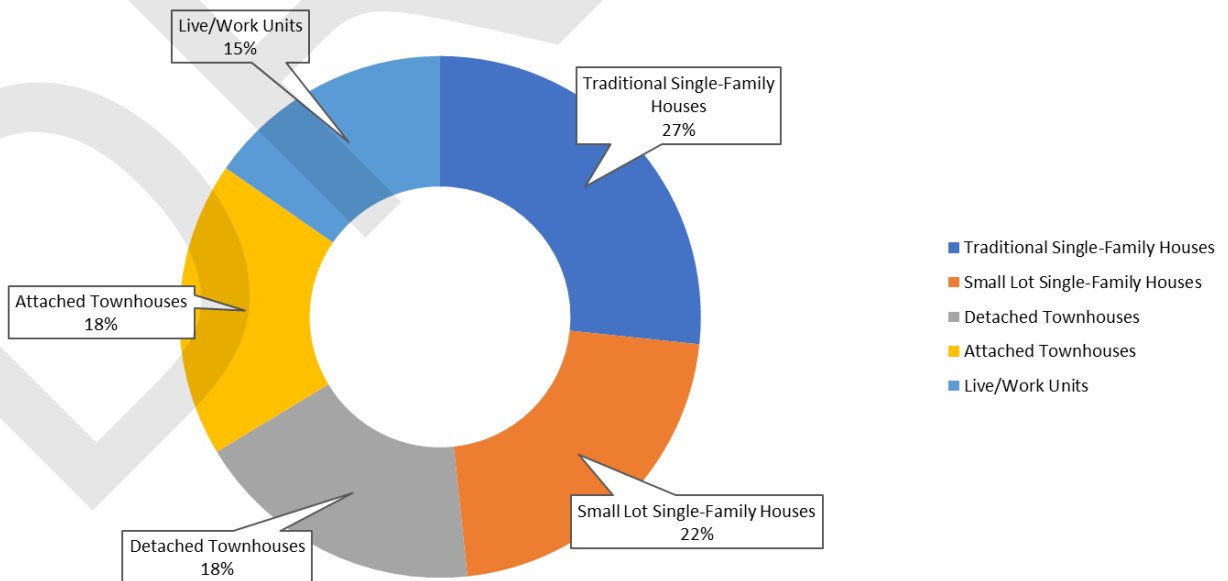
Housing Availability - Do you think Costa Mesa has a lack of for-sale or rental housing?



Multi-Family Housing Types - What types of multi-family housing best help Costa Mesa provide housing for all residents in the community?  
Please select all that apply.

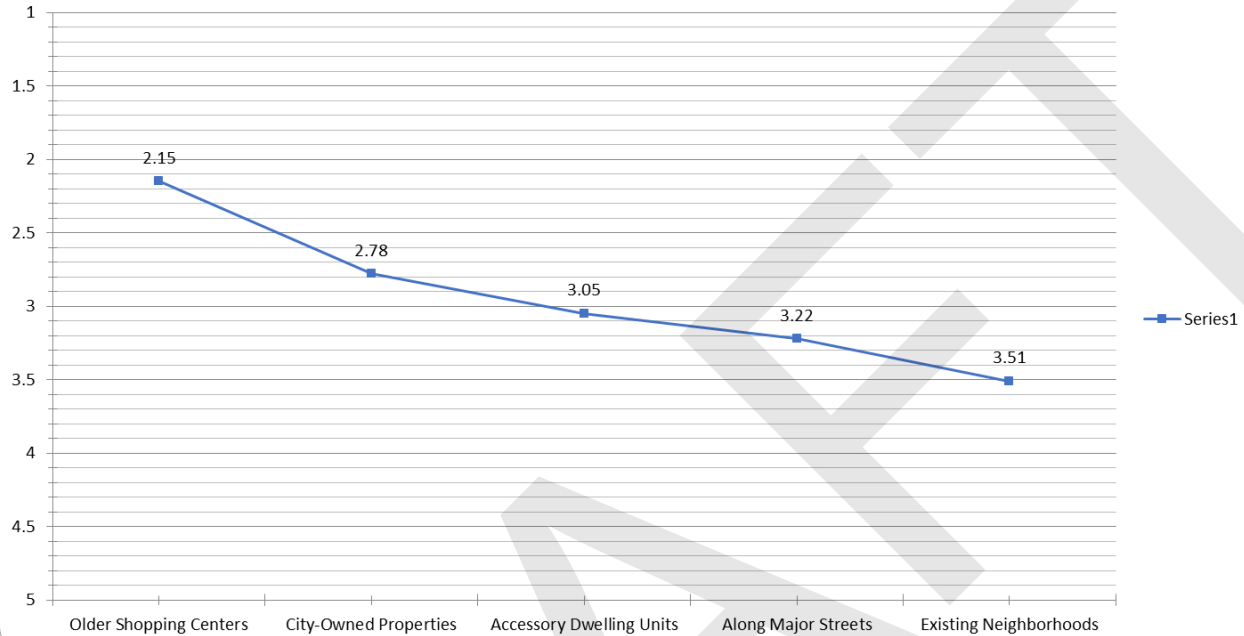


Single-Family Housing types - What types of single-family housing best help Costa Mesa provide housing for all residents in the community?  
Please select all that apply.

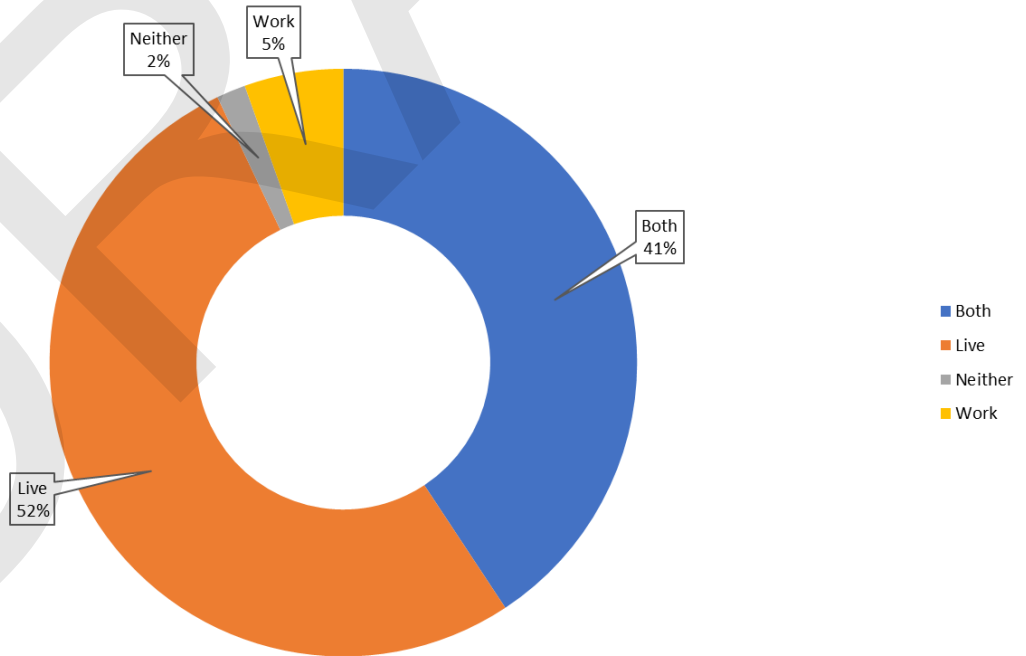


**City of Costa Mesa**  
**2021-2029 Housing Element Update**

Please prioritize the opportunity areas where you would most like to see housing in Costa Mesa by dragging each item above the line in order of your preference. The top being highest priority, second to the top is your next priority and so on.

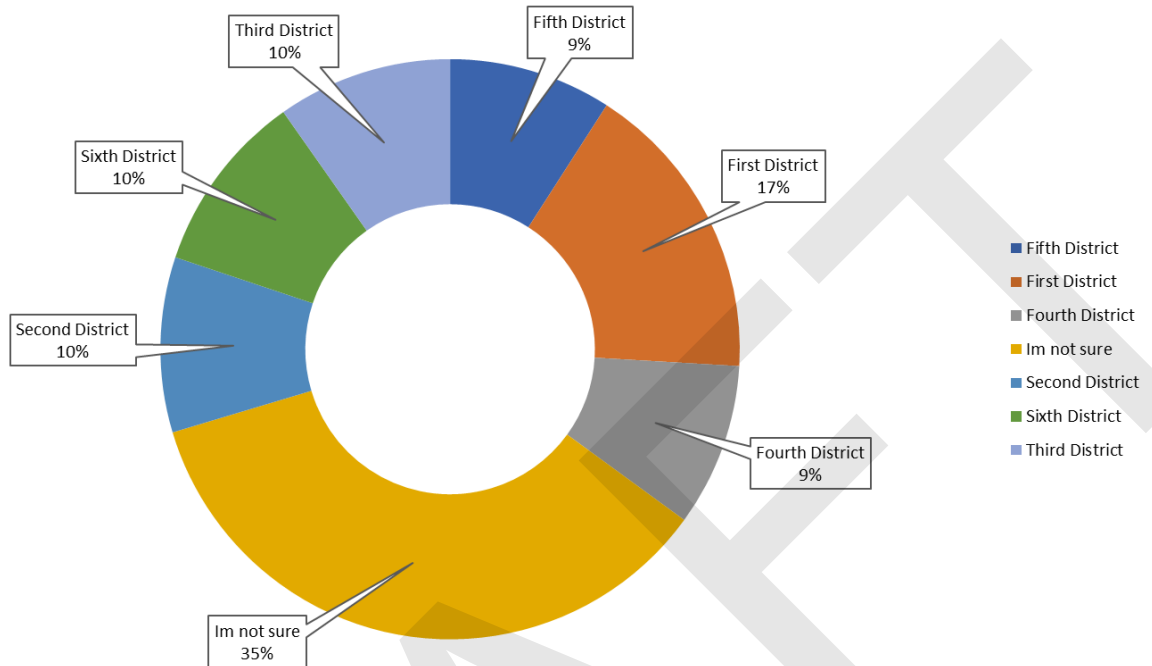


**Do you live/work in Costa Mesa?**

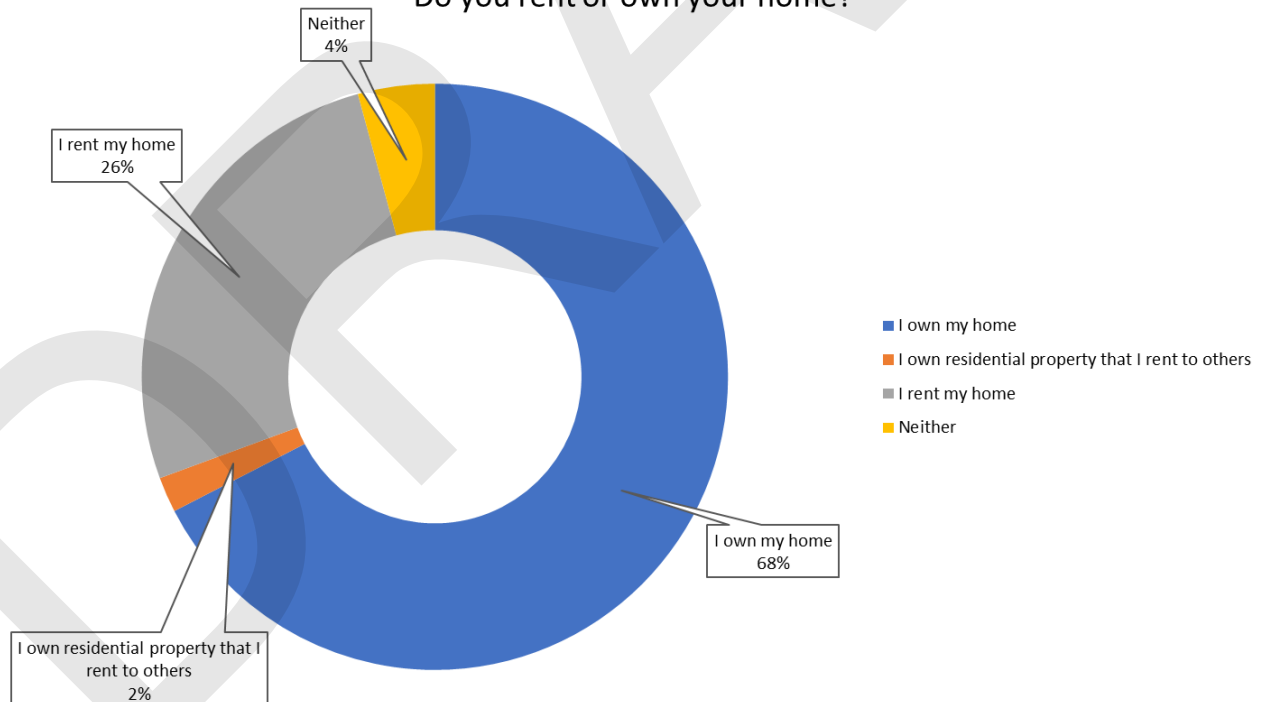


**City of Costa Mesa**  
**2021-2029 Housing Element Update**

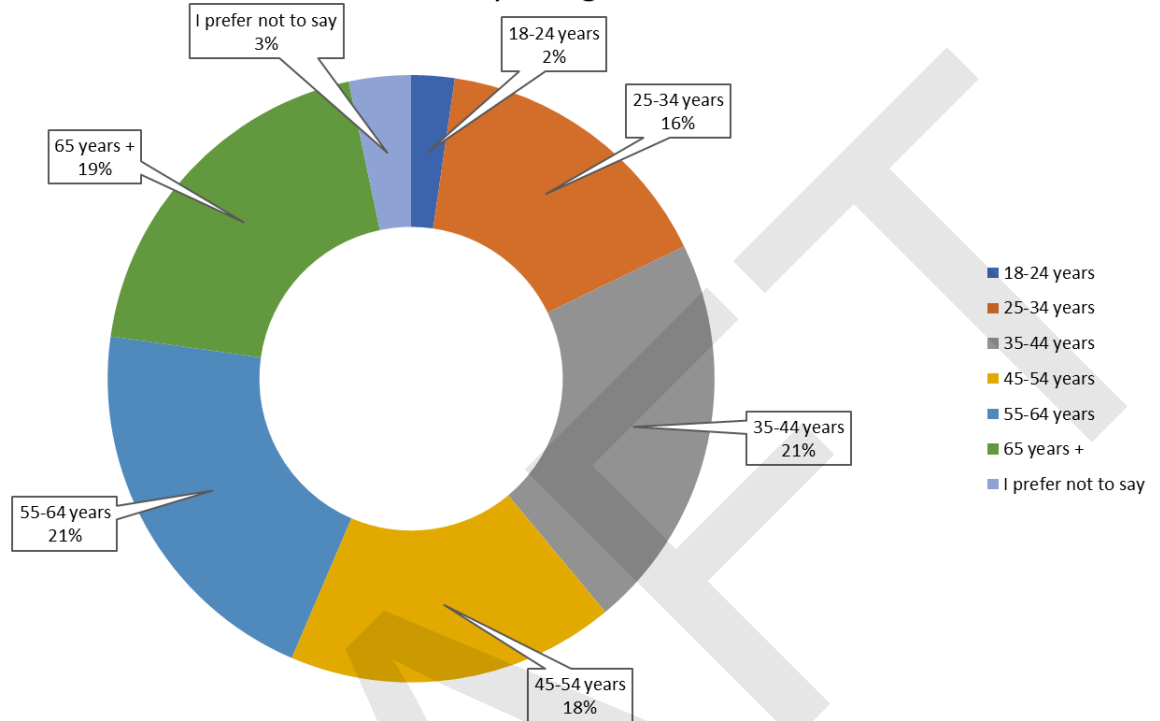
Which City Council District do you live in?



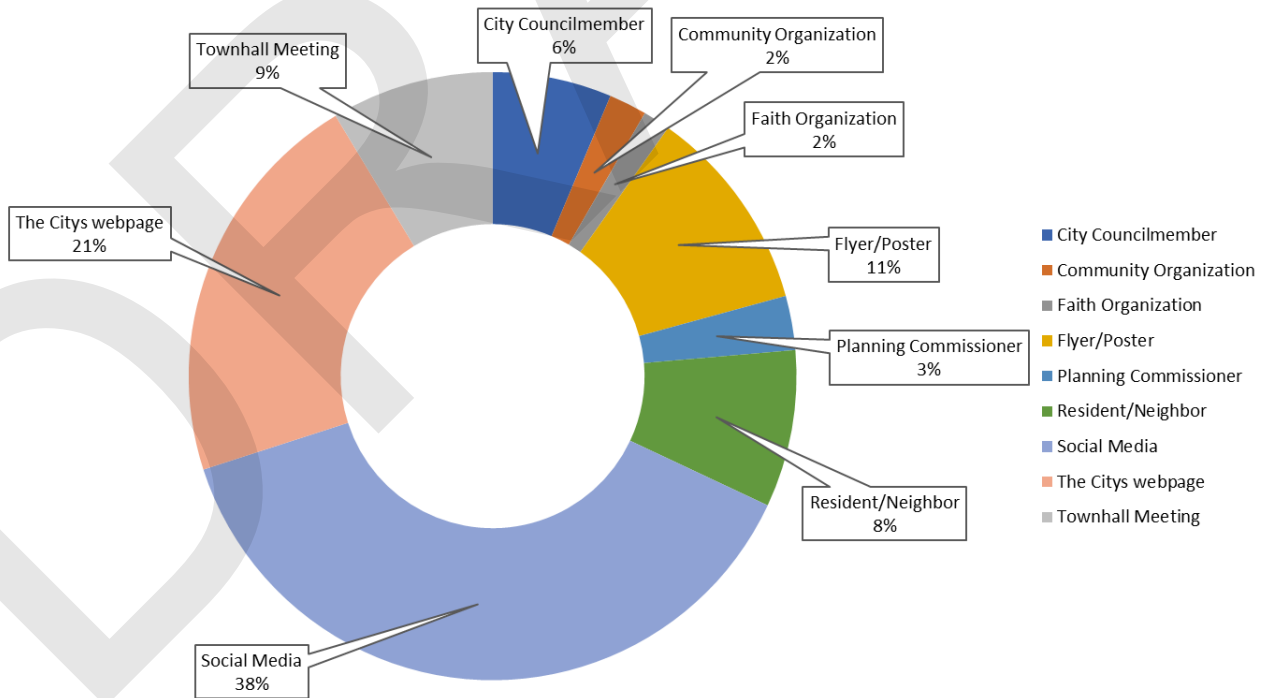
Do you rent or own your home?



### What is your age?



### How did you hear about the survey?



Vision for Housing in Costa Mesa Comments

Retain character of residential neighborhoods. Use Fairview Developmental Center for an affordable housing enclave. Encourage high rise housing development north of the 405.
Live-work sites are too repetitive in style. Overpower neighbors. Subdividing for smaller lots? Need basic lot area a critical issue.
Supportive and transitional housing for homeless, construction with traffic safety in mind (speed bumps in neighborhoods, not more homes than parking, etc), lots of open space/parks
Housing should be multi-story on major thoroughfare and close proximity to freeways but not impacted by noise and air quality.
More walkable neighborhoods by promoting mixed use development. I see first floor commercial development with apartments or condos above the next few floors. Increasing housing while increasing quality of life.
Housing density has to increase. The choice is between density and sprawl. We need multi-story housing.
A senior living village on 19th at the senior center. A mixed use neighborhood developed on FDC land that includes various levels of affordability, and affordable for sale work force housing. A denser neighborhood north of the 405 that includes affordable work force housing.
Affordable housing for workforce Supportive housing for those who need help
More affordable options for lower to mid income families. Especially focusing on what's available on the westside and making the westside as desirable but still affordable.
Costa Mesa focuses on infilling and densifying what it's already got, without needing to sprawl into the remaining open spaces. We are lucky to have many "centers" in town: W 19th, E 17th, SoBeca, Harbor and Adams, Harbor & 19th. We focus on concentrating our growth around these amenity-rich, walkable centers while also allowing context-sensitive infill into our existing neighborhoods. To the extent possible, all new development occur on small- to medium-sized lots by local developers. Vulnerable groups are not institutionalized but accommodated in neighborhood environments. Each neighborhood contains a range of options to accommodate people in different life stages, and with different socio-economic conditions. With all new housing, the street matters most – front doors, big windows, small gardens, transitional space that fosters comfortable interaction within the community and a sense of ownership of the public realm. Trees are everywhere.
Liquid, affordable housing at all income levels near jobs. Costa Mesa should be a 15 minute city that doesn't require automobile ownership.
More of it without all the heartache from boomers. YIMBY
Existing streets-incorporate landscaped wider walkways with separate designated bikeways especially high density areas (Monrovia)...make into one way street from 19th to 15th...gateway street to Newport!!!
Folks that moved to Costa mesa prior to 2010 have no idea what it is like in 2020 being a young family looking to set down ties in Costa Mesa. more housing only enhances our city.
Housing needs to be affordable, near public transit or protected bike lanes, and doesn't create additional drains on public services, utilities or additional demands on parks. Compliance with CEQA, height limits, setbacks and other administrative approvals are mandatory. We must avoid SB 35 streamlining.
More affordable. Safety in high traffic areas. Transitional housing for homeless.

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People with jobs working in the area can afford to buy an own housing in the area. Costa Mesa has far too much rental housing, already, and we need not build a single new rental unit. All new units should be ownership opportunities.
Costa Mesa used to be a safe place to raise families. Crime is on the rise as well as homelessness and apartments are overcrowded with multi families filling garages with people instead of vehicles which causes excessive parking problems and overpopulation, density and crime in some areas. The people of Costa Mesa are sick and tired of it and a lot of people have moved away because of it.
To work on beautifying the city. Work on rebuilding the older parts of the community. Start a slow growth plan
first time home buyers
Initial homes for people and luxury small apartment homes for those young with high paying jobs, but needing/wanting a high quality environment and location, but not needing a fancy address.
An inclusive city for people of all walks of life to live cohesively alongside one another.
A city that makes a place for people of all economic income levels. A place where people can work and recreate near where they live.
Safe, affordable, quality housing for all.
My vision is to STOP more housing. You have torn down business in our city to put up God-awful condos everywhere. Gross. Just leave it alone.
No growth. Lower taxes. Safer streets
Housing integration that prioritizes walkability and bikeability. Ideally, residents do not feel compelled to drive to groceries, entertainment, recreation etc within the city.
People who live in Costa Mesa now can choose to live here in the future. Diverse housing options make Costa Mesa desirable along income, age, and social characteristics. There is no shortage of housing for vulnerable populations (undocumented, seniors, homeless).
Affordable apartments or condos that are close to services needed, secure parking and entry. I would prefer no more then 3 to 4 levels and look modern to blend with the surrounding area. Trees, garden area including walking paths and reflecting area.
A diversified housing selection, that is realized through public-private-partnership utilizing Costa Mesa's resources within the opportunity zone, new market tax credits map area, lihtc in the DDA area, and define the developer incentives within the overlays.
I don't envision a large amount of new housing. The space that we have remaining is limited with many areas overcrowded with multiple families living in single family dwellings.
Let the market, and the market professionals determine the demand. If a city is built out, it's done...unless of course you want the kind of urban density that other now-undesirable cities have...Long Beach, L.A. etc... quit the social engineering and do the job of providing city services to city residents and businesses.
Let the market decide. Do you realize that your job isn't to provide housing? Do you understand the difference between the free market system and what they have in, say, Russia or China???
I would like to see higher density, for lower income levels, near transit. We have many parking lots, old shopping centers, and seemingly abandoned business parks that should all be changed to high density housing with public transit. Mixed use would also help keep people out of cars.
To make Costa Mesa the place where everyone living in Newport Beach, who grew up around there, wants to live. Making it more desirable for family's. Less crime. And rezoning old run-down retail centers, creating mixed-use development's that increases walkability for the younger demographic, families.

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BEAUTY! Those big new ugly apartment boxes going up all over OC are AWFUL. SERVICES appropriate to all housing (roads, schools, etc.)
Stop the trend for high density box type living spaces. Tax paying legal residents need yards, side walks, parking. Not cramped into small areas. Traffic congestion has become a major problem.
More single family housing and small lot single family homes. I do not want to see high rise high density housing which is all rental units. We need to incentive home ownership in Costa Mesa somehow. I understand that not everyone can own a home here and understand building a small amount of affordable housing but why are we so concentrated on building affordable housing for people who can't afford to live here? I want to live in Newport Beach. I want to live on Balboa Island, I want to live in CDM but I can't afford it so I bought where I could here in CM if I couldn't afford to live here I would move to a city where I can afford to buy a home or rent. We are a mile away from the beach and understandably people want to live here but is it not a right to live here. I worked my ass off and made some good decisions and saved 12 years for a down payment working as an Electrician to buy here. I am extremely worried of overcrowding, traffic, pollution, crime, trash, graffiti the stretching of our resources such as schools, police and fire and such. There has to be a point where we say enough is enough. No more space, too crowded and that's it. What it comes down to is a quality of life issue here. The quality of life will be greatly diminished as we build the crap out of Costa Mesa.
Access to affordable housing is in line with the median household income. Affordable housing for everyone.
We need Life Cycle Housing opportunities in Costa Mesa. We need workforce housing. We need an Economic Development Director who will help in the creating of an Opportunity Zone vision
We need Life Cycle Housing opportunities in Costa Mesa. We need workforce housing. We need an Economic Development Director who will help in the creating of an Opportunity Zone vision.
We need Life Cycle Housing opportunities in Costa Mesa, workforce housing, an Economic Development Director who will help in the creating of an Opportunity Zone.
Appeal the RHNA numbers determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) to numbers that reflect realistic growth in Costa Mesa based on available land and actual census data/ anticipated growth based on historical data. If the appeal is denied, the City of Costa Mesa needs to file a class action lawsuit with Huntington Beach, Newport Beach, Laguna Beach, etc against the State of California HCD. Protect Single Family Homes in R1 zoning at all costs. Do not allow ADU or small lot developments in R1 neighborhoods. Only Allow for more stories, increase building heights, increase FAR and units per acre in R2-HD and R3 zoning west of the 55 freeway/ Harbor Blvd. Provide specific plan overlays on 19th Street, Harbor Blvd, Superior Blvd, etc. that allow for 4 story max mixed use developments (apartments/condos over retail or commercial). Allow for Live/ Work medium density Developments in MG and MP zoning. Provide developer incentives to build the types of developments that benefit the community.
I hope we will continue to have plenty of single family residences. I would hate to see more condensed living arrangements.
The appeal of Costa Mesa is the safe, family-friendly neighborhoods with quality schools and without high-density inside traditional neighborhoods. It's the opposite of Los Angeles.
The city needs to house all income levels so a mixture of housing types will be required. The NIMBY will be very upset if their neighborhood dynamic is threatened so a major PR effort would be needed for any change.,
To make housing affordable to low income. For renters and buyers.

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Single family homes and detached townhouses that are affordable as in 400-600/k to bring in young couples to raise their families
Limit high density housing please
Easier renovations to single family housing
Stop building cage apartments, more affordable housing for middle class income PLEASE .
Something without HOAs and something with plenty of parking
We need to look at mixed use housing along with hi density housing that does not impact our local residents.
Affordable living with various options of housing , safe environment with no halfway houses.
Please NO SHORT TERM HOUSING
More affordable single family housing. Less three story master planned communities.
Affordable housing
I am hopeful that the city won't become overcrowded. Parking in neighborhoods is already difficult, and new construction is being packed into very tight spaces. I would like to see some housing that allows space between units and room for front or backyards.
Let the market determine that within the existing zoning. Increasing home ownership versus rental as the city is upside down in the regard and becoming increasingly a second-class community...inexcusable for a near-beach community.
Affordable housing close to shopping and transportation.
One thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
The one thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
I'd like to see decent housing for the variety of people that live in our community. These should be in safe areas (not on a major street or in areas of noise or other pollution (not freeway adjacent).
I know first-hand that the city must stop the influx of people coming to this city from around the country for rehab's. Insurance fraud the people that are let out just roam our streets in terrorize the neighborhoods.
More dense Multi-Family Rental Housing should be planned north of the 405 Freeway. 580 Anton and 3400 Ave of the Arts and Halcyon House are good examples of what could be and not impact the SFR neighborhoods south of the freeway.
I don't want to see a bunch of dense apartments popping up all over Costa Mesa. Our streets are packed enough with cars. I would rather see more single family homes when there is room to grow, but not they type with no yard.
With limited land, Costa Mesa cannot continue to place high density housing where traffic congestion is already a huge issue because of the proximity to the beach.
Promote single family properties. Not high density. Not sober living. CM is losing its charm fast. Have lived here since '88
High Density DUs north of the 405, in the older industrial section, would be perfect.
Less multi home structures on small plots. There are too many cars parked on the streets due to these developments making it unsafe for children to ride.
My vision for the future of housing in CM is that the community shifts focus on the high cost of housing to focusing on the needs of the family in the home.
I think retaining Costa Mesa's character is very important and not reflected in the 3-story box developments in the Westside. I think future developments should include increased public

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transportation to limit traffic. Any new developments must include public parks and open spaces, not a fee to the city that robs residents of recreational opportunities and facilities.
The city is overcrowded already with too much traffic. You would do well to deport illegals so Americans can have access to the housing they are taking up.
Less high density housing in Costa Mesa with improved land use. Current efforts to remove business from Costa Mesa in favor of housing has cost the community dearly. Time to consider the need for business to exist in the City instead of the continued rush to create more housing.
Affordable for single people living alone making a \$50,000 salary. These new housing blocks being built all over Costa Mesa with units costing \$800,000 or more are ridiculous.
That we face the fact that one city can only accomodate so many people and not destroy everyone's quality of life by making it too dense. I believe in the post-Covid era there will be many shifts in how and where people work, and in what businesses they patronize. It would be wise to see how these trends develop and incorporate the new normal into housing plans.
A variety of housing options at multiple price points to ensure economic diversity of residents. Hourly wage earners need to be able to live where they work to reduce traffic, GhG, other pollutants, and chronic stress
A median income community appealing to families that supports infrastructure and where neighbors cared about each other.
Single story apartments, condos or houses. We have large aging community.
Clean up some of the run down areas. More parks but there doesn't seem to be room. Fill the vacant old shopping centers and large vacant stores with housing.
Safe, clean and a city where I can live and work with peers and multi-generational family members
Housing for families with the majority being for sale housing rather than rental. I realize the idea of home ownership now ranges from the stand alone home to attached duplex houses to condo units. But home ownership stabilizes a community and encourages individuals to take an interest in that community. Most renters don't have an affinity to the town they live in.
I would like to see Costa Mesa expand the housing to the maximum without overcrowding. A fair representation of all social classes and races. More high rises perhaps.
More housing everywhere. Especially along Newport Blvd. The model is what they did over by Trader Joe's.
With all residents willing, and developers open, we can add a mix of housing in all districts evenly. We can reduce traffic, and improve our quality of life by creating more mixed-use spaces we can walk and bike to, increasing community connection, supporting business. It takes everyone.
No overcrowding. affordable, attractive housing, family oriented.
Keeping CM beautiful will keep property values and taxes up. Let's not forget about incorporating trees, looking for power line alternatives in the planning efforts.
Diverse people living in medium-to-high density mixed use spaces, live/work areas, and close to affordable and reliable public transportation/
We have to choose between density and sprawl. Density is better.
Smaller houses with large lots to improve the overall landscape, gain better air quality and grow food
N/A
I would prefer limited growth to avoid an already overloaded system.
A safe community with good schools and access to a good mix of large stores and independently owned businesses.

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I think Costa Mesa has already built in every square foot of land. I have seen so many high density residential area pop up in Costa Mesa. I think we need to take a hard look at whether we are overbuilding and we should not change any zoning laws in Costa Mesa.
I do not believe that building additional housing would benefit Costa Mesa residents, other than permitting accessory dwelling units. Taking away retail, using city property or permitting multi-family housing in neighborhoods is not something residents want and causes more congestion in the neighborhoods and city.
Too many new multi-level boxy looking homes built now; need more traditional single-level & low multi-level homes
Maintain the single family home style being unique to the allure of Costa Mesa. Invest in downtown CM to increase tourist revenues for all CM business's. Make certain Fairview Park remains untouched. Build houses where the Early College H.S. is. Adams Elementary could be a jewel of CM in a heartbeat for immediate surrounding families.
My vision for housing in Costa Mesa is that every neighbor would have a place to live, connect with others, and thrive because their housing costs are within their budget. I believe this is possible with creativity and developers who are willing to make it happen. I applaud the work of the city to not only pursue a plan, but implement it.
<b>Affordability</b>
Future housing would take advantage of greener living (solar panels, etc), and provide safe spaces for those in the unhoused community, while keeping the safety of neighborhood in mind. Gentrification would be replaced by a more collaborative approach, with minimal hostile architecture.
Maintain Costa Mesa single family housing. No more recovery housing/homeless shelters.
Resident Permit Parking Needs To Be In Place. Please start enforcement again. We fought hard for Resident Parking Permits.
Transform older neighborhoods into newer, improved neighborhoods. Turn Westside CM into Eastside CM / CdM flower streets. Property values go up.
To maintain the status quo. We moved to Costa Mesa almost 40 years ago for its large lots, lack of HOAs, freeway and shopping access. The city needs to push back on the state for mandated housing increases. My neighbors, like me, do not want to live in a congested, high density neighborhood. We successfully fought an out of town developer from ruining our tract with HD housing a few years ago and we'll do it again.
More single family homes. Streets requiring parking permits. Reduce apartment building or require adequate parking to be part of process, 2 car spaces at least per unit. If house is zoned for senior or special needs living, must stay that way. Current issue with previously senior home now rented to 7 people with cars, issues with parking for neighbors.
More single family than apartments, even if it means condos with green space around them. There is too little attention to green spaces for walking, riding bikes, exercise. No new housing should be allowed unless it provides open space for parks!
Let the market dictate the response to needs, not the bureaucrats in Sacramento...good grief, this should be obvious...quit social engineering experiments.
Developing some of the industrial land and run-down hotels into quality housing keeping in mind room for plenty of parking and green space. Not 3 story townhouses
Costa Mesa is already impacted any new housing should be multiuse and schools should be open for recreation.
My husband and I are hospital workers (RN) living in a rental duplex. Have wanted to purchase our own single family home but it's just out of reach. Would love to see some affordable single family homes under \$500k

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Less apartments which increase parking problems in virtually every area in the Westside. The 3 story with roof deck properties (now at a 4th floor position) are ugly. The 2 on my street, Poets Place and next door are basically failures. They look horrible, ruin property values in surrounding areas and they do not sell or rent well. Both properties are mostly not rented, and live in homeowners are very few and far in between. They are essentially high priced apartments which do not rent. Few people want to navigate 3 steep floors.
No more tower housing. It's too congested. Simple like before
A place where we value everyone in our community, regardless of how much money they make. That is why we need housing for very low and extremely low income neighbors. We have so many folks working low wage jobs that serve us, but we don't provide anywhere affordable that they can live in our community.
More affordable housing
SLO growth, additional traffic concerns, we have too many cars parked along streets as is
Costa Mesa is upside down in its ownership to rental ratio. We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership.
We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership. Smaller units work just fine as ownership opportunities. I live in about 1000 square feet and that has been enough for 28 years.
Existing single family home keep the variety of housing architecture. Small rental housing blogs (3 and 4 units). Large developments and small lot homes deteriorate the existing culture.
I believe in placing more value in housing than parking, if you look at an aerial view of most cities, there is more parking area than there is buildings.
Would like Costa Mesa to be free of Homelessness, Low Crime/Drugs, and Open to those that can afford it.
More maintained, nice affordable housing for multiple groups. A mixture of single family homes as well as multi-family units.
Hope there will be opportunities for people who work in Costa Mesa to also live here from CEO's and doctors to service and maintenance workers - a potentially difficult balance.
Density is the only thing that can prevent sprawl. I'm in favor of it.
Unless we are also creating a robust retail environment, quality food, artisan retailers, local businesses, and quality education, as well as sufficient parks and open spaces, I don't believe there should be additional housing units.
Mixed, sustainable, and creative. We need more creative thinking that produces the housing equivalent of the Camp/LAB and less like Triangle Square. The fairgrounds, Fairview development center, and civic center offer a blank canvas to make a new housing hub and "place".
Low to medium density homes which are manageable to buy or rent by mid-level wage earners.
Safe and pleasant neighborhoods based on a shared sense of community and ownership - protecting the product of joint effort and long term investment in places in which our kids can grow up in and continue a legacy
My vision is if people work for it then they will take care of it and the community. If they are provided with a handout from the government they will run this city into the ground. I think our city is very dense and traffic is already congested. The state should consider putting this housing where there is tons of land that isn't already being used (like the desert near Barstow).

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Encourage higher density / mixed use housing in areas that are north of the 405 around South Coast Plaza. Try to protect existing single family neighborhoods with incremental increases of development surrounding them. Realistic economic factors must be considered in order for housing to be developed. The projects must make economic sense or else they won't be built. Flexibility in land planning is key while letting the market determine what is ultimately constructed.
More ownership of housing. Updating older two story rental unit buildings. Using industrial properties as a way to increase housing by converting them to mix use housing and commercial space.
clean and safe
The prices continue to sky rocket, existing workforce continues to get pushed out
More affordable apts in the commercial areas west of Superior Ave. More housing is needed on the west side of the city.
More housing options and locating them in areas to make the city more walkable. All hands on deck approach.
I think we need to keep CM as primarily a suburb with mostly single family homes. That is why people want to live here.
we don't need more high end housing, we need affordable housing units for very low and low income. We need several hundred supportive housing units
That all citizens who want to make COSTA MESA home can do so in a property that matches their needs
I personally believe that we have enough housing in CM already. Every time I see a new high-density housing project go up I get really angry. I do support projects for specific at-need groups, including senior housing or assisted living facilities, and more transitional housing for homeless seeking to get off the street.
For the city to meet the needs of every type of housing where people can call home, for those who have families, senior living, student housing, and homeless run housing.
I WOULD LIKE TO SEE HOUSING THAT IS LESS THAN 3 STORIES. ALSO RESIDENTIAL OVER COMMERCIAL
I would want a denser community with multi-use developments. I want it to be easier to get around as well.
A lot of houses for low income people, disabled and seniors.
Keep present zoning. Especially R-1, the most in demand housing type. There's plenty of open land inland a few miles. No high density
we need to take old hotel/bldgs for the homeless. also create more senior living/independent living facilities
To preserve the nature of Costa Mesa I think no housing of any kind should be above 3 stories high, and nothing should be built out to the streets. There should be ample landscaping around all housing (NOT like the awful stuff going up along Placentia) and all housing should have enough parking so there is no overflow onto streets. The pandemic has shown that dense housing is not healthy.
Affordable, walkable/bikable lively neighborhoods.
Quality and serenity,, focus on seniors and families with children
Housing that is affordable for all segments of society and all income levels.
The State wants and we should require at least 20% of new housing to be affordable units for the workers who live here, which is to say low and very low income units. Water is becoming more scarce, and most of the new building leaves no permeable ground for rain percolation, which already is causing flooding and depletion of our ground water. With thousands of new housing units

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expected, and with no ability to widen roads, parking and traffic congestion will go from bad to worse. No housing plan can be independent of traffic, parking, and resource solutions.
The puss shown here are a good solution. You must preserve CM as a family city. NB plans to put there's bordering CM, and CM looking at out lying spaces. CM already provides MANY homeless persons services, SOS health clinic, soup kitchens, food banks. Do not create housing that will draw more homelessness. We are doing a lot asa city to help.
Affordable housing is becoming harder to find. It would be nice if more affordable housing was available for seniors who only have S.S. for income. Maybe a large community of studio apartments. More housing for the homeless where they could receive the services they need would be nice.
Safe housing for all demographics. But ample parking for units must be required whether for apartments or additional units in neighborhoods
Do not overcrowd Costa Mesa by building up and allowing multi-family developments in R1 and R2 neighborhoods. Preserve the suburban feel that is already being threatened in the City with too many muti-family developments. Turn over MF and CM development areas in decline into small lot, no more than 3 stories.
As Costa Mesa ages so do the people that live here, affordable housing for the Age group 55 and older and affordable housing for first time homebuyers.
Redevelop retail and major streets to accommodate 5-6 story mixed use development with a 15% low income or 12% very low income housing.
replace old one story rentals that have no parking with two story units that provide ample parking. the huge lot houses could add a smaller additional unit or units depending on lot size. a lot of costa mesa is of 70+ year old construction. this would be an opportunity to upgrade to current codes and safety.
I am against the destruction of the single family neighborhoods. I don't have a problem with the small "granny units", but someone built an entire second house taking up the whole backyard in my neighborhood and that is just wrong. The Kmart can be converted to a smart retail/living unit complex if people really think outside the box and not just be motivated by greed.
Take away the seedy motels that attract crime and replace them with housing.
Mixed-use along major arterials, with apartments on older shopping centers and city properties, and incentivize walkability. Keep single-family neighborhoods as cohesive units, i.e. do not allow duplexes/triplexes to be placed inconsistently in single-family neighborhoods.
I would love townhomes near the lab and camp/ triangle where I can walk to things and not have to drive. We have apartments there but the older condo options don't make me want to buy
More enclaves such as Chino has begun building. The homes are reasonably priced on smaller lots...but very quaint. Each enclave has it's own activity center such as a pool and tot lots. Others (The Preserve) have a central facility that has a theater, library, pool, park etc.
I would love options for inclusive housing opportunities without losing the character of our city. I hate when a development goes up in a neighborhood and it stands out. I'd love for new housing to blend it with already existing neighborhoods and infrastructure.
Costa Mesa drew me in because of its large R1 residences which were affordable and accessible 40 years ago. For the future, building on city owned properties and apartments will allow CM to stay accomodate more residents. Multiple housing units on former R1 lots will ruin the city, not everyone can afford to live where they want. I'd love to own a home in South Laguna Beach, that isn't going to happen...
Cleanup and refurbish older housing, incorporation of mixed use and modular compact housing
My visions for future housing is providing housing for low income families.

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I want more affordable rental housing for families, for disabled people, for the homeless. I want smart, creative, "green" development that will be attractive and beneficial to the entire community. I want Costa Mesa to have a balanced housing supply that lets lower income people live affordably here, not just higher income folks (like me).
Affordable homes for first time buyers. Minimal apartments.
Less transitional housing more senior housing for current residents. Take care of residents and less focus on trying to cram so many more people in our crowded city.
Bring back the family feel instead of the singletons and those who buy for vacation homes.
Affordable, plentiful housing for all financial or age demographics in the city. Housing near jobs and commercial areas to allow for biking and walking and reduce traffic
Village like with a multiple variety of units for those who are not able to earn high incomes
A real mess. The State and SCAG did not take into account the lack of infrastructure (roads, sewer, water) Our K-12 school blogs were built in the 50's. This will not resolve affordability and overall make this a less desirable place for families to reside.
I would hope that the City of the Arts would accommodate their retiring ARTISTS who may be living only on Social Security and retirement, about \$3,500 per month.
Less density in west side neighborhoods, more family friendly housing with walkable and green space in neighborhoods
Modern stackable container housing for low income. Perhaps grants for upgrades to older apartments.
My vision would be to have more affordable apartments and mixed use developments. I think Costa Mesa has an ample supply of luxury apartments. Housing is needed for essential workers and their families.
My vision does not include high density living situations that will reduce the quality of life in Costa Mesa
Costa Mesa should be guided by our neighbor Newport Beach in how we handle housing. We should not be guided by Santa Ana or other downscale cities.
Apartments with ample parking on major streets with easy freeway access - We have overcrowded roads - especially in rush hours. Most apts have multiple vehicles - terrible waivers on parking in the past. No parking on streets next to apts.
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing option, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing options, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
A future where there is enough housing at various price/rent for the various income groups.
I would like to see more affordable housing.
Costa Mesa does not need to implement more programs that would lead the city to invite less desirable inhabitants.
Better bike/walk access to work school and shopping areas, better safer bus type transportation, we have great climate many people awesome recreation & shopping, no every has / or can afford a car, since rents are so high these days.
Safe place for our children to walk to school and home. People take pride in where they live and follow community rules. Affordable pricing for lease and renting without huge increases.

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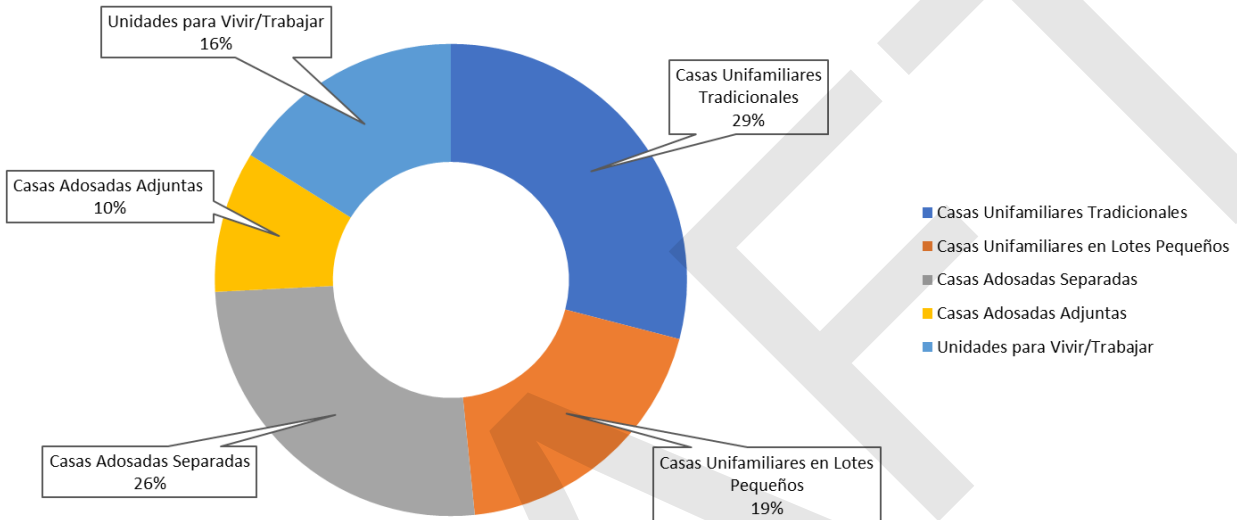
A lot less sober living and senior based facilities, with more traditional single family home in low traffic areas and multifamily units in high traffic areas.
Help residents who want to be able to buy with maybe a rent to own type program or something that helps them work towards purchasing. Eliminate slum lords in our community, those who don't maintain their rental property but charge higher rent. Keep outside developers from over building in our neighborhoods. Maybe convert that police substation by Lions Park to housing? I never see police there. And the giant jail building at City Hall? Is that empty? Fairview Development Center? We could use that property a variety of housing types, plus open space. Unless it remains a hospital? Maybe add a residential community adjacent to IKEA? Or in the former law school near IKEA? The AAA offices don't really need all that space, they could convert some for housing. Please don't destroy our single family home neighborhoods, we've worked hard our whole lives to find our homes and our neighborhoods. I don't think I could have survived this pandemic anywhere else but in our Eastside humble home.
Preserving the lovely single family, large lot areas that are fine (please don't ruin them with high density and additions) while moving into the run down and depressed areas and improving them.
More walkable and bikeable neighborhoods, with a larger variety of housing to support working class families and people from all walks of life.
Our family owns three homes in Costa Mesa and moved to the city in 1967. 3 generations later, our view of the city's housing is troubling. Too many renters and airbnb. Lack of city oversight over older conversions/condos. Condo owners and homes around complexes are tired of condo managements not being accountable for maintaining properties. Please help.
I want Costa Mesa to retain its look, that is to say no big signs (especially L.E.D.), no housing over 3 stories, no overcrowding, keep traffic low.
My vision for Costa Mesa is no more building. Stop all building and do not add anymore living quarters. There is no more room here, build houses in Victorville.
One that meets the needs of our community
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsize city feeling. Let's not turn into Los Angeles. Small is good!!!
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsize clean and safe city feeling. Let's not turn CM into Los Angeles.
All people who work in Costa Mesa should be able to live in Costa Mesa, particularly those in lower income jobs. Priority to lower income housing should be based on: 1) History of residency in C.M.; 2) Employment in C.M.
Workforce/senior housing located near transit, shopping and entertainment.
I like how Costa Mesa has residential pockets mixed in with retail and restaurants. I don't want retail/services to go away in favor of housing. Also, we need more parks/community center for our children.
no comment
I think costa mesa has done a great job so far keeping up with growth and building sufficient affordable housing. Costa Mesa should continue creating more housing for its lowest income residents.
A place where housing is affordable and available for all people.
I think building 11,000 new housing units is unattainable for our city. Absolute no way. We must push back on this. When does there come a point that we say no more vacancies we are all full? It comes down to a quality of life issue for the current and future residents of Costa Mesa. Costa Mesa will be

**City of Costa Mesa**  
**2021-2029 Housing Element Update**

unlivable with the amount of people all this new housing would bring. More people more traffic more pollution, trash, graffiti, trash, blight. All of it. This is proven no doubt. We don't want high rise appt complex's up and down harbor Blvd or especially that disaster One metro west. Bad idea. reasonable size 4 story's max medium density condos if not detached units best
I don't have anything exciting to add here, but I'd like to see affordable and accessible housing for all kinds of people here, and housing provided for those experiencing homelessness.
Maintain neighborhood feeling in R1 neighborhoods with creative solutions for more densely built housing especially live work to reduce traffic. Make sure new units have ample parking.
No more vertical townhomes packed tightly together. Quality, unique single family homes with yard space for kids. Encourage uniqueness with design and architecture. Quality - not quantity. Apartments could be great if they are unique, family friendly and have nice outdoor space.
More plan regarding numbers and traffic problems
To improve the overall variety of housing choice without all the density and poor traffic impact we've been experiencing
A reinvention of the high density rental properties that will make them more desirable, welcoming, friendly and modern.
Stop adding houses, Costa Mesa is already crowded. Fixing up the junky apartments. From what I hear people in Costa Mesa hate all the new high rise single family homes built.
Preservation of open space; leave parks and existing outdoor recreational areas intact. Add housing capacity through careful planning of many types of projects; easing zoning to allow easy accessory dwelling units, encourage multiuse commercial with living units above nicely landscaped with buffers to streets and sidewalks so it doesn't "feel" overbuilt. If higher density apartment type projects are approved, they need to also include outdoor green space.
More housing with more options for more people.
My vision is a blend of residential and commercial industry, with a large focus on open spaces, protecting nature and supporting arts/seniors and other community activities.
We need to plan for the growth but should use other cities experiences that have gone through this growth 10-15 years ago and duplicate the successful ones.
We should hold off on building as long as we can. State requirements may change. No more building in high density areas. All income levels and demographics evenly distributed throughout the city. Every area to feel welcoming, seamless and loved.
Enough units to stop all these homeless mothers and children. Scattered through out the city so no one neighborhood has too much of any element. Get rid of some of the sober living homes to make space for families.
Why must there be more housing in already impacted cities?
Multigenerational single family homes and ADU's in neighborhoods and co-op room leases near shopping centers for singles.
Higher density with no plan to accommodate the growing population is irresponsible. Traffic, trash, homelessness are all growing in Costa Mesa and at the nearby beaches. At some point, push back to the State should be made. We are ruining the environment. There was no place on this survey for open spaces, and our commitment to preserving what little nature parks we have. A more obvious place for higher density living would be in the environs of South Coast Plaza, since there are already larger buildings there.

## Community Survey Data – Spanish (18 responses)

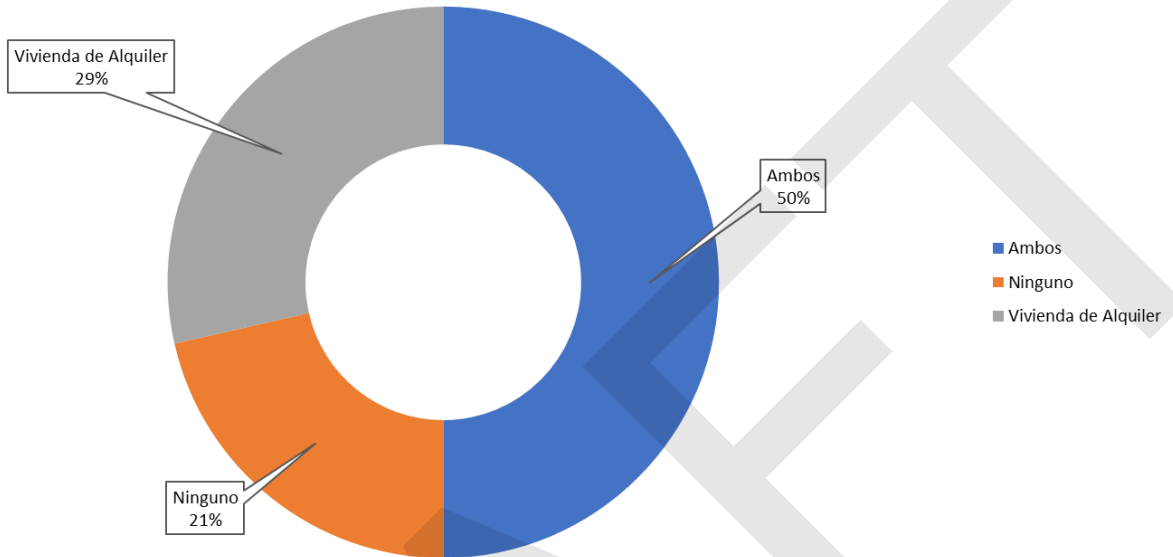
**Tipos de Vivienda Unifamiliar - Los grupos con necesidades especiales de vivienda son los que requieren modificaciones o adaptaciones de vivienda específicas. Seleccione los grupos que crea necesitan vivienda adicional en Costa Mesa.**



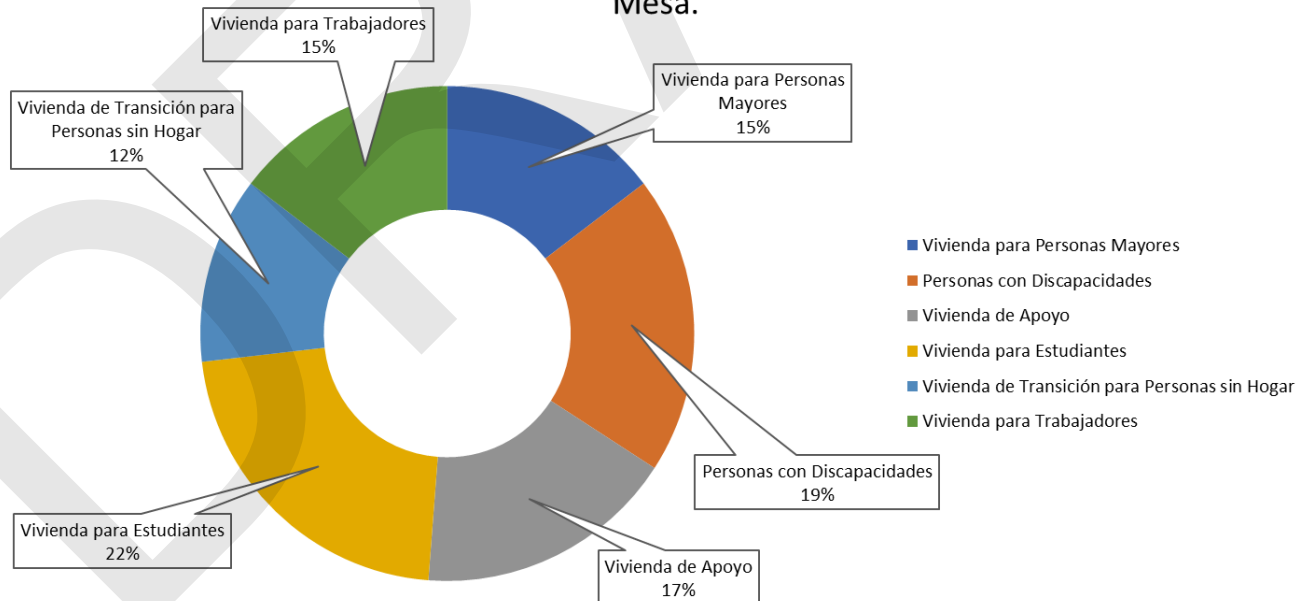
**Tipos de Viviendas Multi-Familiares - ¿Qué tipos de viviendas multifamiliares ayudan mejor a Costa Mesa a proporcionar vivienda a todos los residentes de la comunidad? Seleccione todos los que apliquen.**



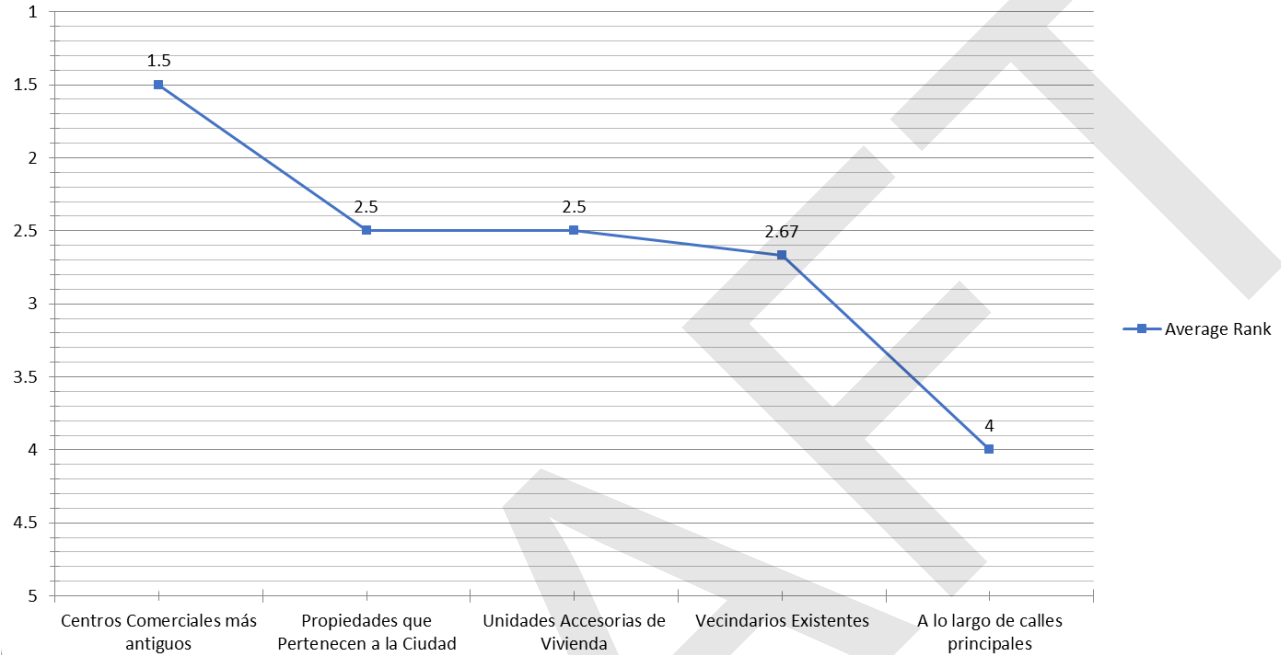
Vivienda en Venta o Alquiler - ¿Crees que Costa Mesa carece de viviendas a la venta o alquiler?



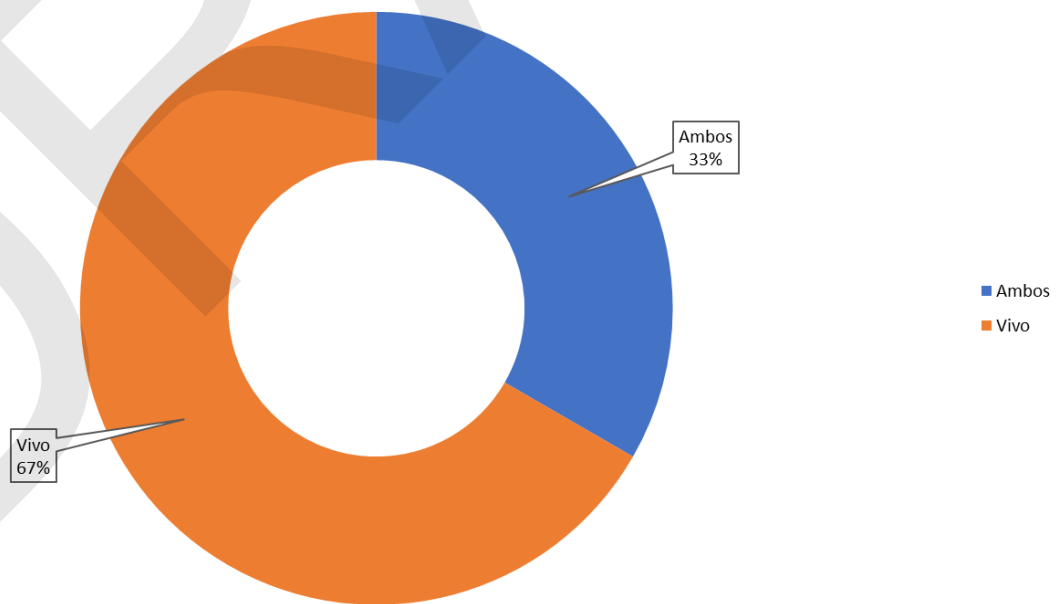
Vivienda Justa - Los grupos con necesidades especiales de vivienda son los que requieren modificaciones o adaptaciones de vivienda específicas. Seleccione los grupos que crea necesitan vivienda adicional en Costa Mesa.



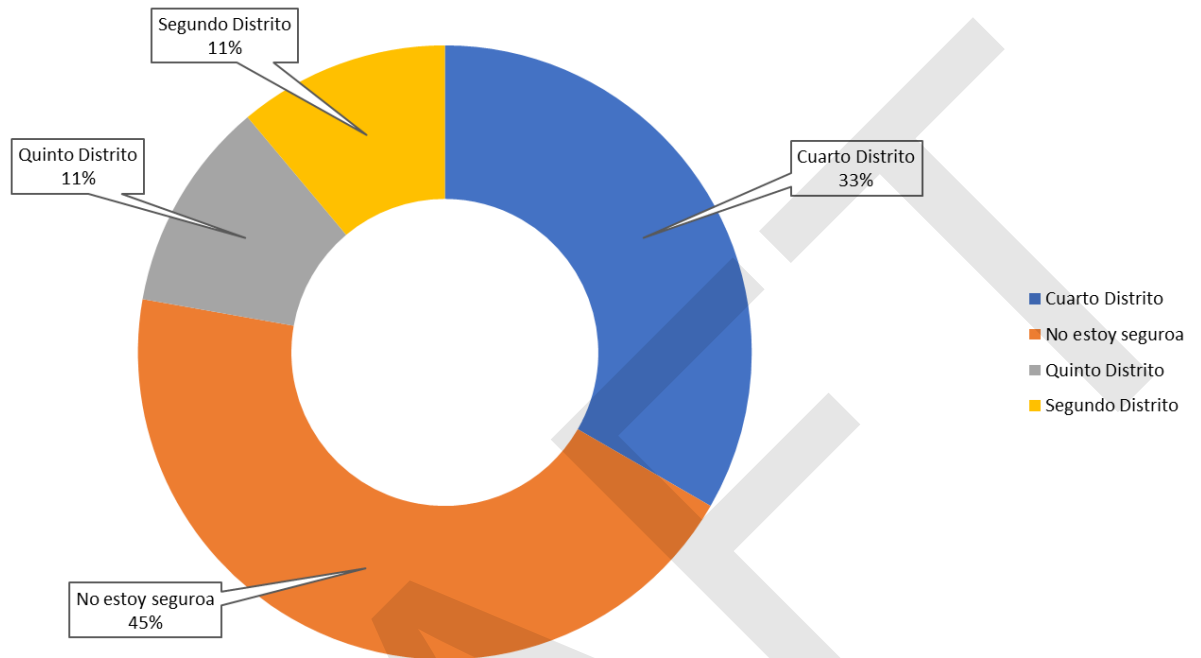
Priorice las áreas de oportunidad donde más le gustaría ver viviendas en Costa Mesa arrastrando cada elemento por encima de la línea en el orden de su preferencia. La primera es la prioridad más alta, la segunda es su próxima prioridad y así sucesivamente



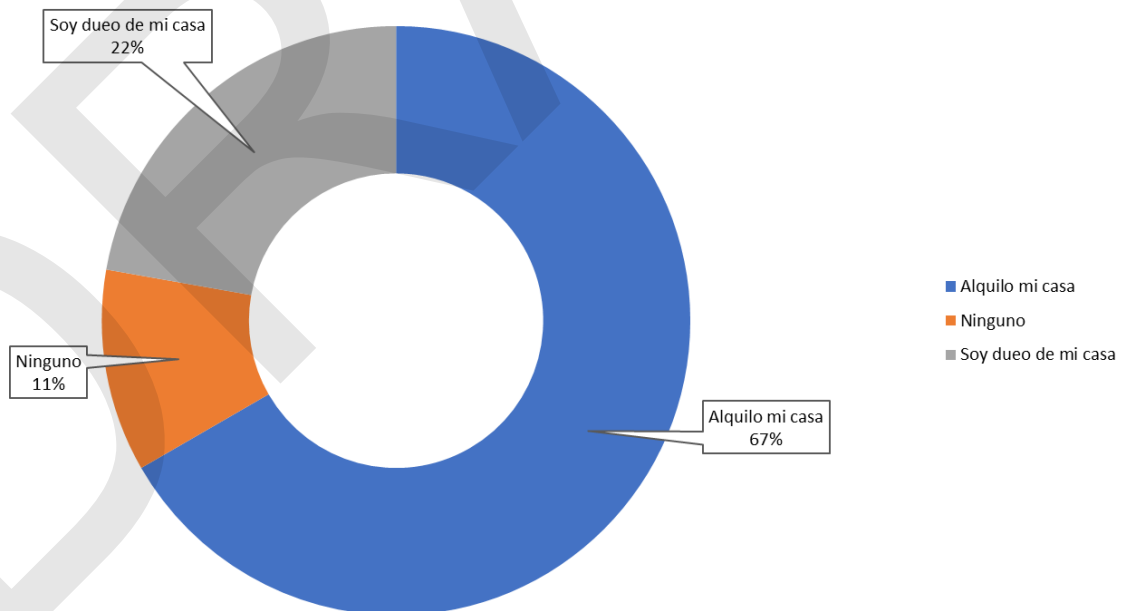
¿Vive / trabaja en Costa Mesa?



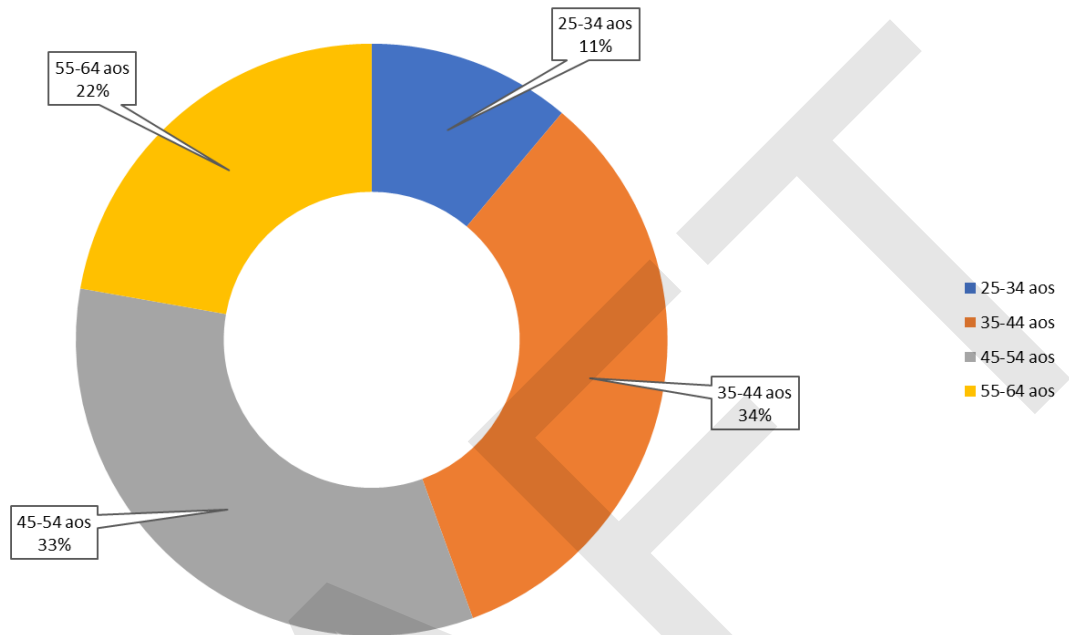
### ¿En qué distrito del Ayuntamiento vive?



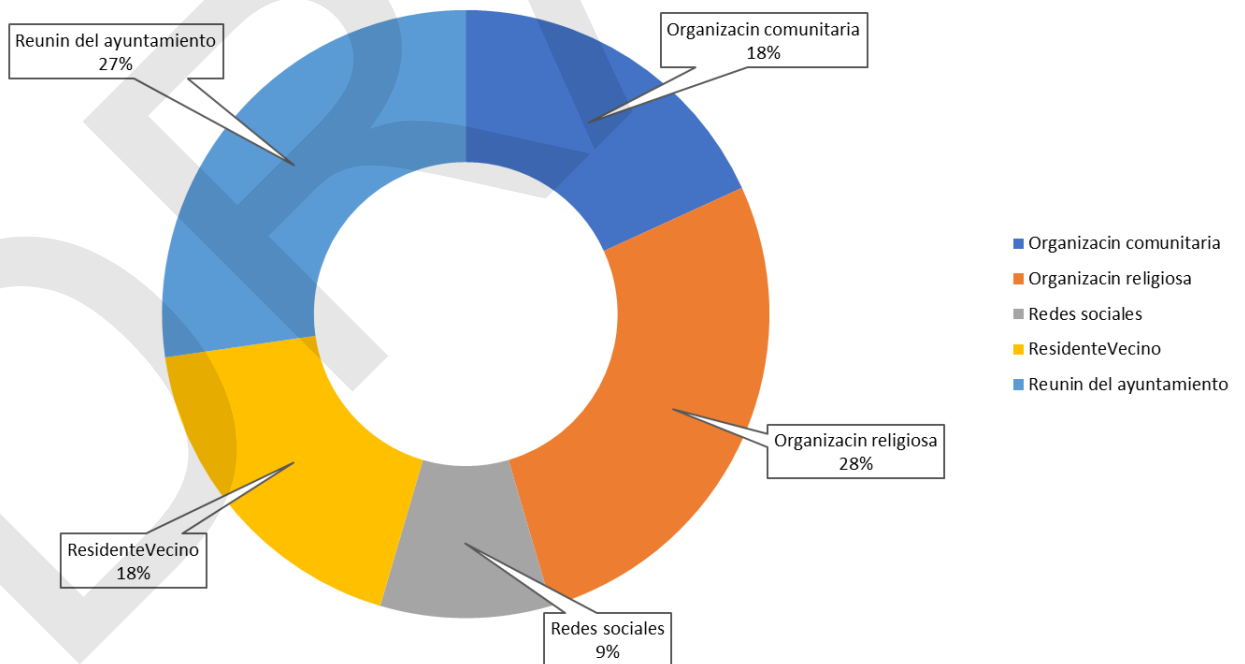
### ¿Usted alquila o renta su casa?



### ¿Cual es su edad?



### ¿Tiene comentarios o sugerencias adicionales?



Vision for Housing in Costa Mesa Comments

Ver mas casas y viviendas con precios mas comodoss (venta y de renta).
Tener más control para que los dueños no cobren más de lo que es. Que los dueños de apartamentos cuando renten el apartamento vaya incluido el garage, porque por donde yo vivo les rentan a otros personas los garages
Que ayga viviendas gusta
Ya han construido demasiados apartamentos en la calles 18th y placentia , además de otras áreas, lo cual ha incrementado demasiado el tráfico en la ciudad, vendiendo o rentando estos duplex o departamentos a precios demasiado altos. Existe una verdadera necesidad de vivienda o solo están especulando para que los que están construyendo se hagan más ricos? No sobrepoblen la ciudad por favor.
Una zona más comercializada, pero no se olviden que es importante mantener los vecindarios familiares, eso es prioridad.
Mi vision es que aiga mas vivendas accesibles para la gente con bajos recursos
Un lugar con oportunidad de tener mas viviendas asequibles, par familias de bajos recursos

## Summary of Survey Comments

Survey respondents were provided with a variety of opportunities throughout the survey to write in additional comments and feedback. The following provides summaries of the most common comments received organized by topic.

### **Housing Types:**

- Respondents noted that there needs to be more middle housing (i.e. duplex, triplex, etc.) and for-sale condos, especially near transportation corridors. Most recognize that density is the solution to lowering housing costs; however, design and height must be considered. Respondents have noted that developments over 3 stories are too tall.
- ADUs present a viable option for survey respondents, given that the ADU remains smaller than the main residence and that it is made affordable.
- Tiny homes have been proposed as a solution for those experiencing homelessness.
- Senior housing must be made affordable and near services/commercial necessities. Respondents have identified a lack of options that allow them to “age in place”. Senior housing should include open/green space and remain affordable.
- Mixed-use housing paired with commercial retail may assist in lowering the need for driving. Respondents have also noted that open and green spaces are important for children and families and must therefore be considered for such developments. This in part participates in preserving and establishing a neighborhood feel.
- There is a need for additional transitional and supportive housing to house those experiencing homelessness.

### **Location of Housing**

- Utilize State-owned properties, such as Fairview Developmental Center. City-owned properties should be used for housing or parks/open space.
- Underutilized properties could be used for housing. According to survey comments, respondents recognize there is a low availability of vacant land, but that this would be a good option for future housing.
- Repurposing of hotels and motels into housing— this could be a good option for providing housing for low-income single apartments or for those experiencing homelessness. The Vagabond Inn has been identified as a potential site.
- Respondents have expressed concern about adding density to existing single-family neighborhoods – they wish to retain a neighborhood/ “Costa Mesa feel”.
- Housing in industrial areas could be a possibility, but there is a lack of services and open space/parks in those areas
- Mixed use at shopping centers to support small businesses but be careful not to replace businesses with housing.
- Adding senior housing at the existing Senior Center has been identified as a potential option.

### **Density**

- Respondents recommended not to further increase high density areas - population needs to be more equally distributed throughout the City.
- Improve existing neighborhoods but not density – help to renovate existing aging housing stock.

**Affordability**

- More affordable housing – for families, low/mid income households, workforce, seniors, persons experiencing homelessness, and disabled
- Aid in creating a track to ownership, not all rental units. More ownership units and less new rental units.
- Respondents recommend the City looks into creating an Opportunity Zone.

**Open Space**

- Lack of open space and services in industrial areas that would affect housing planned in those areas
- City-owned properties should be used for housing or parks/open space
- Respondents have identified a need for open space and parks near residential areas.
- There should be a focus on sustainability in both building housing and in transportation (options other than driving)

**Parking**

- Walkability and bikability are important factors to survey respondents. Some have noted the City should strive to be a “15-minute city”.
- Traffic has been identified as being a topic of concern when considering the planning of additional housing units along major streets. Respondents are concerned about creating further traffic on the roads.
- However, respondents have proposed that parking requirements should be lowered for future affordable housing projects.



### C.3 Subject Matter Expert Meetings

This section contains notes and meeting materials provided during the meetings. These include virtual stick-notes and online polling exercises.

Programs

Successful Programs for  
Helping People Find Housing

VA -programs to help vets get into housing	Human Options Partnership - DV services - need a system to promote flow out of transitional housing options	TBRA Tenant Based Rental Assistance Programs	Affordable Housing Bonuses	Rapid Rehousing - Program designed for homeless families/indivs that are accessing resources - funded federally -	Lack of permanent supportive housing
Access to vouchers and long term subsidy -need for more vouchers	Domestic violence survivors assistance -need to afforde unit they are moving into	Assistance that stays with tenant -goes with the family		Housing-first model.  Eliminate barriers to housing	Community Development Partners, Jamboree Housing are great models for permanent supportive
	Link to financial coach -goal is to inform clients to make decisions on their own			Eligibale for rental assistance and security deposit	
	Create flow out of transition program  -collective impact			Utilizing existing housing stock - not subsidezed program -not long term subsidy	

Recommendations for New Programs/Services

housing first model w/ supportive services	Supportive services	Financial Literacy/ Economic mobility	Relational mentors
Not just about 1 program - multiple components -rapid housing in conjunction with vouchers and	Multiple layers to address needs	Employment training programs	*List of supportive services -Families Forward menu of services (Rose to send to Nick)
National Alliance to End Homelessness - taking funds provided by federal, state, and local	OC United Way providing financial incentives	County of San Diego  Welcome Home OC by United Way	Landlord incentive programs -make housing available to veterans and/or lower-income indivs
Orange County provides Section 8 vouchers			

Constraints to Finding Housing

Income/credit score	Affordable housing - Lack of	Paperwork needed to apply/how to go through process	Method to acomodate moderate housing	Fear-immigration issues	
Coordinated working effort with service providers who have existing relationships	City's incentives haven't helped with building -need incentives for developers to add affordable housing	People don't know that housing is an option for them	Challenges of low- middle class that make an amount that do not allow them to get assistance that's needed	Education - information is currently numbers driven (income, property value, etc.) -Info has to be	
Outreach on requirements to qualify for certain housing/units	Make affordable housing attractive to developers - from City's side	Educational component - there are opportunities for people to find housing	Relation building between homeless population - service providers - and city	Coordination with service providers is key -service providers come with hope	COC - Housing Opportunity Committee - commissioned UCI
Special needs housing - need to remove barriers	Flexibility on developer's and City's side	Benefit from City producing outreach materials on how to go after housing and services available	Would people served be trustful of City produced materials? -can be overwhelming/ must be simple	Format for outreach- -paper -simple -text blasts (Service providers to share info via	UCI research on impacts to existing development (locally based approach)

nick.chen@kimley-horn.com

City's Role in Assisting in Efforts

Reduction of impact fees and parking requirements to increase affordable housing	City/State providing land - need to be usable parcels	City needs to look at transportation options around city -walkability, bikability
Case studies available to City to provide to those pushing against the development of affordable	Being willing to change zoning	

Creative Methods/Processes to Consider

Co-Living	Tiny Houses	Add density to existing multi- family	by-right approval for affordable housing	Storage container developments - Potters lane example in industrial area (next to some services but not	Inclusionary housing requirements (reduce option for developers to pay in-lieu	What is most importane near housing - transportation -financial coaches and employment ready programs
Communal living -For those who enjoyed communal living from Bridge Shelter -adds more units	Conversions of existing commercial -Walkup external offices converted to small units		rent-to-own incentives	Not cost helpful	ADUs	-education -groceries
Lack of Community is an issue -People find housing in new cities they do not know	2 level 10-12 unit office conversions			Leverage what is already there and multi-family, rather than new methods like storage containers		
				Quality of living important to consider on this	Industrial area not bikable	

## Housing Types

### Rental Housing

Current vacancy rate for lower	More affordable rental housing needed  Important near concentration of jobs in city	intergenerational housing -development at senior center to include housing for others but seniors to increase	Divers mix of single/studios and larger units	affordable housing for very-low and low income population	Rental units for persons at lower end of workforce
	increase production of market rate rentals currently	need for open space for intergenerational housing	Starter units	Along transit routes  location	FDC
		Opportunities for families making \$30k-\$90k  Rental opportunities	mix income and mix use housing  housing for persons with special needs and seniors	larger units with more bedrooms  tendency to make affordable housing with a couple bedrooms	overcrowding happening  majority single indivs with housing vouchers

### Fairview Developmental Center

Reimagine as a housing village 2015/2016 effort capped units -25 housing -25 institutional -50 sports field	large housing amount (increase density) - majority affordable housing	Should be 25% sports and rest housing & affordable housing
State to donate land to City and to create a land trust	Pushback will be from those that want sports fields	See Great Park  See Willowick Golf Course project
Looking at City-owned sites in addition to FDC and private  Land plays a large factor	Shannon's mountain - 244 units at FDC	Unique opportunity to create more housing and for the State to participate in local solutions

### Workforce Housing

## Housing Growth in Costa Mesa

### Permanent Supportive Housing

Sensitivity towards populations living in motel	Need to take the next step past housing people experiencing homelessness	Trellis  No permanent supportive housing currently - persons move to other cities for	Is there community support for SROs or similar?  Yes - past projects that received	What is the critical mass of people to justify the cost of development? -mix of units for different incomes/needs
	A group of people who will always need supportive services	Flexibility in City policy to allow mixes of this to accommodate the need -helps address cost of land too	Public opinion for services show support	range of services/senior/family housing together example
	Shift in public opinion in last couple years	Educational component to move the conversation -Positive public opinion	People need to be able to graduated from shelters and have access to services - mix in opportunities *Shelters the start	Using State funding - promote availability

### Unbalanced

large slant towards market rate housing - above mod housing

## Creative Development Methods/Processes

### Affordable housing/inclusionary

flexibility in uses and design/zoning  Overlay zones as potential solution	*Collaborative process & community benefit	Inclusionary Housing ordinance have been asking CC	Conversation needed about development needs How do City decisions impact community	What is the City's role in the development process?	Very suburban city - challenge/resistance to density	SB 9/10 as examples of actions the City might be able to take
Mixing in housing with services/supportive uses -zoning to allow for housing in other zones	No net loss issue - market rate developments resulting in needing to find new sites for affordable	Messaging is key  Community needs to get benefits back for developing at highest use	Rezoning to allow for what is needed	Need to work with market-rate developers/property owner to plan for affordable housing needs	Remind community of benefits to them of having balanced housing	Developments on Church and Hospital properties
Pair with affordable housing policy	Education - Density as the key to affordability  Addresses cost of land for development	A large educational component to this	*Less about density and more about affordability in Costa Mesa	Interests/Access of young population in housing types and mobility	-transit oriented -mixed use -open space	

Constraints in the Development Process

Parking		Measure Y		Nimby	Price of Land
Review parking standards from high density perspective	High parking ratio/standard  large apartment/condo projects operate at lower parking ratio	clarity to potential land owners - difficult to determine outcome	complex process that requires understanding from all levels	SF home values increased when near density/related amenities	Addressed through density - build up
Baker Block - 2.25 Studio - 1.15 st/unit 1 bd - 1.65 2 bd - 2.15 inclusive of guest based on demand	1.5 - 1.75 range - depends on proximity to transit	-Deters investors  -Clarity on process and when measure Y applies	Variables involved with Measure Y are too complex to work through	Educational component to development projects	
Have to consider all components of project - push/pull	Higher density projects with underutilized parking	Developers pass on projects due to risk	Risk is too difficult		
			Margins are small  -Consider market and development standards		

Creative Methods in Other Cities

Development process				
Expedited plan check	Space to "color between the lines"	Develop a one form checklist - centralize the process for fee schedules	prescriptive zoning -	Fees provide benefit and value to the City  -Costa Mesa's fees low compared to neighboring cities
fee schedules - land cost - include all fees associated with a project	Specific Plans and overlays can be a big benefit	Clear online system that provides estimation of fees	opportunity to meet housing requirement outside of SF areas	can't look at fees in a vacuum - all attached
Include all fees - development impact fees	Less impactful an issue compared to others  -streamlining improval process		Develop in "paint by numbers"	

Potential Growth Areas

density v FAR consideration		North 405	Westside - higher density type projects in specific parcels/industrial type areas	Airport Area - demonstrated demand	Small lots on major boulevard areas present an issue - tough to develop
Clarity on Density Bonus  -height is currently easy to use	Small lots  .5ac and up	larger lot sizes	200 - 400 units type projects  2.5-4 ac sweet spot	Larger lot sizes	Boulevards - housing overlay
3 stories changes landscape of what can be done on certain properties	City of Carlsbad downtown example - mix of commercial/residnetial uses	17th st  -increase height limits and density			

Impacts of COVID-19

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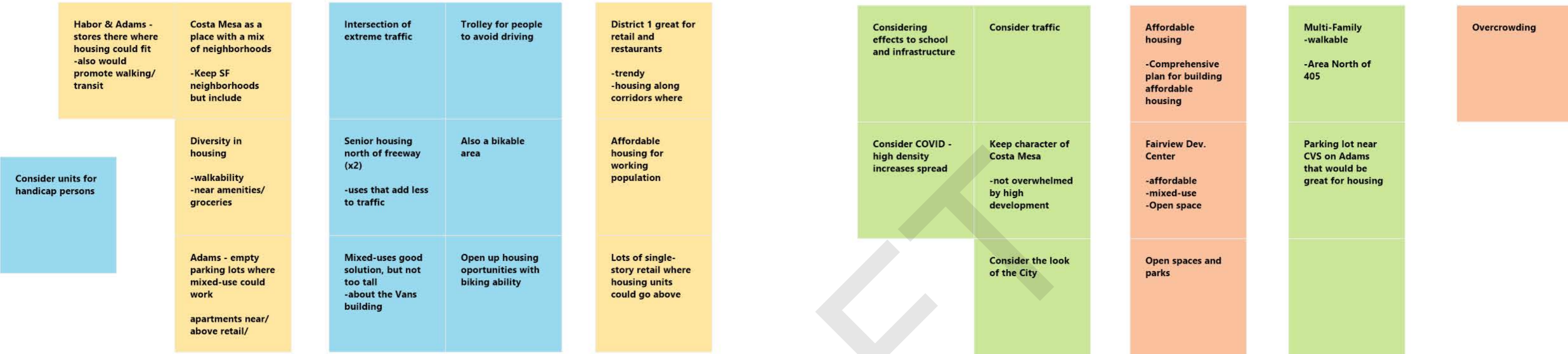


## C.4 District Specific Meetings

The section contains all district specific meetings materials, flyers, PowerPoint presentation, participant activities, as well as all available public comments provided during the meetings. Public comments were received verbally and in written form through the Zoom chat. A video recording of each meeting is available at [www.costamesaca.gov/housing-element-update](http://www.costamesaca.gov/housing-element-update).

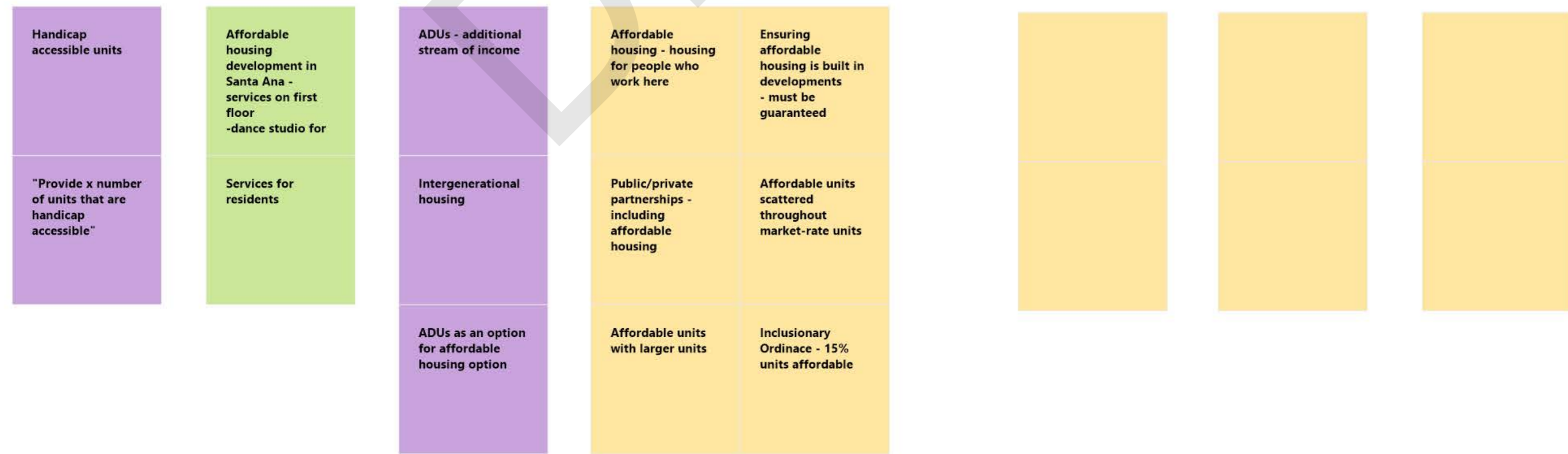
## Community Housing Needs

### Unique Characteristics/ Considerations



### New/Innovative Trends or Ideas

### Housing Types



How do we get affordable high density housing built?

Need to find developers that are willing to engage with the City that will be accepted by Measure Y	How do we bring a high density project into the community	City policy is not flexible enough to allow affordable development	Inclusionary housing ordinance could draw in developers that to do an affordable project
Design details are important to the process - design guidelines need to be in place	Is there the developer interest to come in and develop housing?  Some interest indicated	Needs to be a public/private partnership, not enough City owned land	City historically not asking for that lower income development
	educational component - change the understanding of what affordable housing is	Especially in District 2	Needs to be high density - cannot be built in R1 type zones
	Workforce housing terminology near working opportunities/ transit		

Unique Considerations/Characteristics

Projects north of the 405 are up to 100 du/ac - high density in compatible areas	Needs to be a progression/ transitional zone
Interest in developer engagement process	One Metro West - Measure Y Case study question - what happened?
Community member involvement - get information on community needs for specific projects	Next step is to sit with developers and propose in Costa Mesa knowing Measure Y is in existence

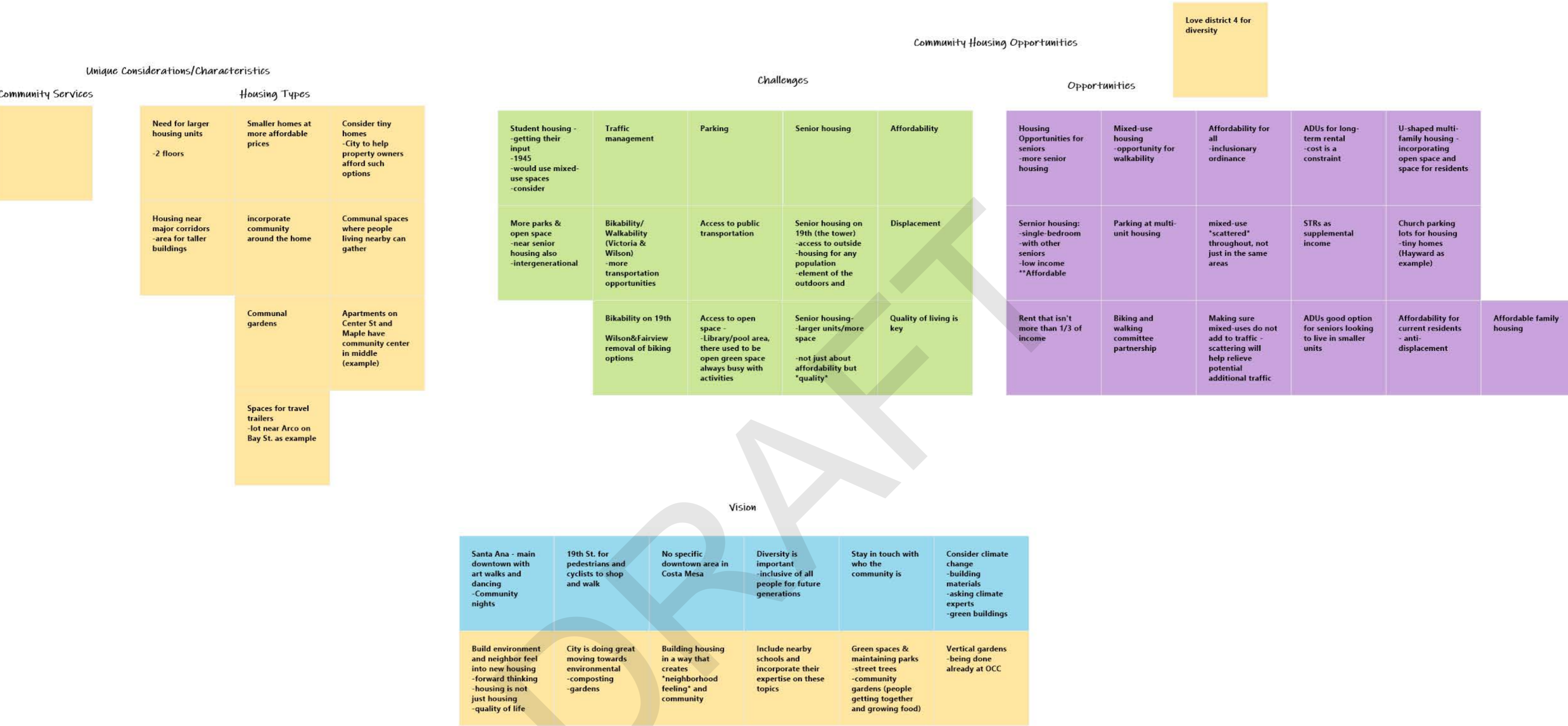
New or Innovative Trends/Ideas


Costa Mesa Housing Element

Other Growth Areas

Community Needs

Along Harbor & Newport (conversion from retail to mixed use)	Airport area	Unique Characteristics - connected communities	Med Village densities could be successful	Development will need to be taller to meet goals
Newport Blvd has overlay/specific plan for housing - Good opportunity for mixed-use and placemaking	Industrial conversion	Missing Housing Types - Workforce housing - TOD - Senior housing - Upzoning north	Above Moderate - attached or detached condominiums - age restricted?	Mixed use with resident serving uses - grocery - pharmacy - services
Surplus school sites	Underutilized church sites?	Could lower minimum parking standards	Support first/last mile improvements + safety enhancements	Need a wide mix of densities where appropriate
Balearic  Parsons School	Whittier Property  Coastline Regional Occupational Program (Old Presidio School)			
South Fairview Wilson Vacant parcels north of 405	Whittier Law School			
Parking lot between south coast drive and sunflower (southeast corner)	Golf courses?			



Vision

Santa Ana - main downtown with art walks and dancing -Community nights	19th St. for pedestrians and cyclists to shop and walk	No specific downtown area in Costa Mesa	Diversity is important -inclusive of all people for future generations	Stay in touch with who the community is	Consider climate change -building materials -asking climate experts -green buildings
Build environment and neighbor feel into new housing -forward thinking -housing is not just housing -quality of life	City is doing great moving towards environmental -composting -gardens	Building housing in a way that creates "neighborhood feeling" and community	Include nearby schools and incorporate their expertise on these topics	Green spaces & maintaining parks -street trees -community gardens (people getting together and growing food)	Vertical gardens -being done already at OCC

What is unique about District 5?

multi-culturalism/ diversity	ocean breeze	can still raise a family here - middle class and can get a good education	ADA ramps on traffic breaks
keep Costa Mesa funky - does not have the restrictiveness of other cities	most privileged residents of Costa Mesa - access to open space, yard, wide streets. Be willing to share	industrial areas bring value/jobs to the area - part of the character of the area	LID/rain garden treatment in areas to expand greenspace
Great potential to be more bikeable and walkable - can get to the beach without hitting a stoplight	Share the good life we have in Costa Mesa	there is a vibe here	Trees in this area

What are community housing needs in District 5?

housing for single people/individuals - shared/co- housing to address this need	large lots with one dwelling	Permanent supportive housing
Project Hope Alliance - homeless children - need for housing for families	storage units - space on rooftops. Conversion to shared housing	live/work units to address work from home conditions going forward

How do we get affordable housing built?

evaluate COVIDs impact on housing	Educational component of different types of housing - workshop/tiny houses	City to provide an incentive to people developing ADUs to offer them at affordable levels	in building support/sell idea - needs to be more community involvement and visual representation
	Efficiency of space and existing units	Manufactured homes/small park models - could help on building costs	AB 387
	include all aspects relating to housing	Potential for pre- approved housing models?	follow up on status of affordable ADU/ incentives discussion

Costa Mesa Housing Element

Other Growth Areas

District Characteristics

Community Needs

Harper School Property

Surplus school district property?  
  
Should engage in conversations.

Supportive of housing north of the 405

Whittier Law School

Commercial Shopping Centers

District 6

Disorganized development leading to congestion

Older section of the City

City of the Arts

Near transit and employment

Permanant supportive housing

Artist housing  
  
Affordable + services

Mixed Use Development  
  
Work/Live spaces

Educator housing

Oportunidades de Vivienda

Nos gustaría ver más apartamentos	-No hay apartamentos de 3 Recamaras .- cuestan más de \$3000 actualmente.	Renta demasiado alta	
Viviendas tipo Estudio	ADU's tipo estudio	Construir más apartamentos que sean accesibles para gente de bajos recursos	

Necesidades de la Comunidad

Apartamentos de bajo recursos	Que el cosdto de la vivienda sea accesible	Actualmente el costo es muy alto y tenemos que compartir los departamentos con varias familias	Apartamentos de costo mas bajo.
Debido al costo alto tenemos que rentar cuartos en el apartamento			

¿Qué ideas tienen sobre este proceso de vivienda?

Difundirlo más	Más facilidad para participar en el proceso

Retos en cuanto a La Vivienda

Alto costo de alquiler	Por eso la gente trabaja en Costa Mesa y vive en otro lado más económico que Costa Mesa
Debido al costo alto tienen que rentar cuartos en el apartamento. El costo es alto	

Algún comentario adicional

Otras ciudades tienen más La delincuencia	Al parecer C. M. es más segura aunque el costo de vivienda es más alto	Existe más seguridad	Tener la seguridad que la comunidad no estará expuesta a delincuencia
La gente prefiere viajar de lejos a trabajar en CM y vivir en otro lado más económico	Aquí las viviendas están cerca de la playa, negocios, su trabajo.	CM es muy tranquilo y a la gente le gusta mucho el área. Cerca de los negocios, parques.	Aquí a la gente le gusta el lugar donde vive
Se necesitan más viviendas en el lado Oeste.	La comunidad comenta que la vivienda es cara debido a la carencia de vivienda	CM es muy segura, un poco más cara pero el clima, los negocios,negocios hispanos son accesibles	Comunidad hispana no puede pagar las rentas, no hay estacionamiento.
	Difundir esta información en centros comunitarios	Difundir este proceso y juntas por medio del distrito escolar.	
	Difundir en el sitio web de "I love Costa Mesa"		

## District Specific Meetings Chat

### **District 2:**

19:11:40 From Cash Rutherford : Denser = cheaper. Agreed!

19:22:57 From Mildred Perez : Affordable housing overlays to provide incentives for developers

19:23:17 From Cash Rutherford : Great points - agree with you all.

19:24:12 From Daniel : Didn't a high density development north of the 405 just get voted down?

19:25:48 From Cash Rutherford : I believe the developer has the project on hold due to the constraints of Measure Y.

19:26:56 From Daniel : Would those constraints also be applied to any high density building we are talking about now?

19:27:39 From Cash Rutherford : Yes. Other cities have ran into legal trouble due to policies like Measure Y that prevent high density housing in job-rich areas.

19:30:23 From Daniel : Cash do you know if those cities come to a resolution with that situation?

19:32:04 From Cash Rutherford : There is a precedent of courts and/or state regulators intervening to resolve restrictive policies like measure Y. At a minimum the Housing Element is required to recognize local constraints to development.

19:37:59 From Cynthia McDonald : Cash, Measure Y is based on Redondo Beach's ordinance. That ordinance was litigated and to my knowledge stands to this day. Its is one of the reasons we used it as the basis of our ordinance.

19:38:40 From Daniel : Thank you for the information everyone. I appreciate the shared knowledge.

### **District 3:**

18:49:47 From Carol Buchanan : Is it possible to consider the hospital grounds Harbor and Fair by the Gold Course

18:50:02 From Carol Buchanan : Golf Course

18:56:38 From Carol Buchanan : I will have to drive around and look since I have no idea

18:57:05 From Carol Buchanan : It is pretty dense in Costa Mesa

19:05:18 From Carol Buchanan : Also my husband and myself

19:07:35 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : Belearic

19:09:58 From Carol Buchanan : How about the closed Law school opposite AAA on Harbor

19:13:54 From Carol Buchanan : Interesting

19:24:07 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : south coast drive not augusta :)

19:24:22 From Matt Horton, Kimley-Horn to Andrea Marr(Direct Message) : thanks!

19:25:34 From Carol Buchanan : They will fight you for that parking lotu

19:26:11 From Carol Buchanan : Thank you!!

19:27:03 From Carol Buchanan : Back Bay Golf Course would be a great location

19:27:29 From Carol Buchanan : Everyone there hates the fly over from John Wayne

19:30:20 From Carol Buchanan : To bad.

19:38:12 From Carol Buchanan : Thank you, I really enjoyed this insight. I will attend future meeting

19:38:32 From Carol Buchanan : Good Night

**District 4:**

19:07:12 From Christine Nolf : I have to sign off. I really enjoyed this time with my neighbors. Thank you for facilitating and listening. Count me in for investing in our community.

19:07:36 From Ines Galmiche : Thank you Christine for joining us!

19:08:47 From James : 55+ is senior per HUD rules.

19:09:14 From Linda Kraemer : Love the diversity in District 4

19:12:26 From James : Nature. Good point. Read "The Nature Fix."

19:17:05 From Linda Kraemer : Nature even in our buildings. Green spaces

19:18:29 From Jenna and Alex to Ines Galmiche(Direct Message) : you're doing amazing!

19:28:36 From James : We have a couple of community gardens but need more.

19:50:47 From James : Please allow Airbnb for home owners.

**District 5:**

18:48:20 From Aaron Klemm to Nick Chen(Direct Message) : My recommendation for the Housing element should plan for SB 9 to pass this session.

18:50:33 From Aaron Klemm to Nick Chen(Direct Message) : Additionally, the base condition 10' setback on exterior side lot lines should be made more conditional. The 10' setback makes sense if the sidewalks/parkway is narrow. However when there is a 7' city owned parkway that is more than adequate to ensure pleasant streetscapes.

18:58:05 From Aaron Klemm : I would encourage the city to keep it simple.

18:59:00 From Aaron Klemm : State policy is focused on high opportunity areas which in practice means traditional SFH zoning. Traditional SFH is super racist/segregationist.

19:01:43 From Aaron Klemm : For 4 story zones, old dilapidated warehouse, boat storage and industrial spaces on the westside are preferable to some of those pollution hotspots.

19:03:19 From Aaron Klemm : I heard the question about parking adequacy. This brings up the issue of complete/safe streets. We can't have more neighbors and more fun without reducing the waste and geometry problems of cars.

19:03:30 From Aaron Klemm : and ceding most of our public spaces to cars.

19:04:08 From Wendy Leece : There are multiple owners/family of the shopping center

19:04:40 From Aaron Klemm : I prefer missing middle housing.

19:05:00 From Aaron Klemm : <https://missingmiddlehousing.com/>

19:08:17 From Ben Glassman : Aaron you are saying you prefer missing middle over a large apartment complex?

19:09:17 From Aaron Klemm : I think missing middle is the correct next step for Costa Mesa to keep our pro-housing councilmember elected to keep moving to more housing after we exhaust the missing middle.

19:11:05 From olga : Costa Mesa must think about doesn't exist yet but is pictured.....lets narrow streets and have some creative housing in these areas!,,

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19:12:40 From olga : We must promote global thinking about housing spaces and sharing public spaces.

19:13:51 From Adam Ereth : The D6 group was just talking about this a few mins ago on Newport Blvd.

19:14:22 From Arlis Reynolds - SOUTH : The "15 minute city" is something I've been learning about as a concept for city planning - reduces traffic, improves health, increases community connections and happiness: <https://www.15minutecity.com/about>

19:17:06 From Wendy Leece : Have you estimated how many units could be built with in the existing overlays?

19:17:41 From Ben Glassman : Arlis - do you know what ratio CM is currently at regarding the 15min city?

19:18:02 From Arlis Reynolds - SOUTH : I don

19:18:11 From Lori Ann Farrell Harrison : Thank you everyone for your participation!! The City is conducting a Parking Study to identify multiple solutions to address current parking shortages in D4 and D5. Community meetings will be held next month on Thursday, March 4th and on Monday, March 15th. More info to follow. SAVE THE DATE!!!!

19:18:15 From Cindy Brahs : Agree with Jay's concerns however I think Covid has forever impacted a lot of businesses utilizing WFH. I know of a lot of business that are letting their office leases expire.

19:18:42 From Aaron Klemm : Induced demand exists for both cars and bikes, pedestrian and transit infrastructure. If you make it as safe and convenient as a car the riders will come. Adding road capacity does not reduce congestion. The evidence and literature is very clear on that.

19:19:05 From Arlis Reynolds - SOUTH : I don't - it's a study I'd like to do.. perhaps something we can crowdsource... we've done some research on this for park access (we are deficient) but not other amenities.

19:20:04 From Aaron Klemm : Adding highway lanes to deal with traffic congestion is like loosening your belt to cure obesity.

19:21:29 From Ben Glassman : Lol @Aaron correct not the solution to the root problem

19:21:49 From Eileen Cirillo to Nick Chen(Direct Message) : In the Housing Element are there any requirements for affordable Senior Housing

19:24:18 From olga : What are the sizes of the units in the proposed 30 units per acre?

19:32:10 From Cindy Brahs : Is there a map of county a/o government owned vacant parcels in the city?

19:35:28 From Aaron Klemm : If the housing element can target ab AB 2588 pollution hotspot with an upzoning that makes the land valuable enough to end the pollution that would be great.

19:35:35 From Aaron Klemm : [http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588\\_annual\\_report\\_2019.pdf?sfvrsn=30](http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588_annual_report_2019.pdf?sfvrsn=30)

19:36:24 From Ben Glassman : I agree Olga

19:36:33 From Ben Glassman : Love all the parks and river trail

19:37:02 From Dianne Russell : Yes- we have a great area! Lots of open space.

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19:39:14 From Arlis Reynolds - SOUTH : @Olga I think 30 units per acre could look very different with different designs.. here's an article that shows some examples:

<https://www.theurbanist.org/2017/05/04/visualizing-compatible-density/>

19:39:52 From Arlis Reynolds - SOUTH : @Cindy- I will ask for that map.

19:42:14 From Aaron Klemm : Support Alex Lee's bill AB 387 for California to lead on social housing.

19:42:20 From Aaron Klemm : <https://eastcountytoday.net/assemblymember-alex-lee-introduces-bill-to-establish-social-housing/#:~:text=According%20to%20the%20bill%2C%20t,limited%20equity%20homeownership%20ho using%20and>

19:44:11 From Cindy Brahs : There are modular ADU companies out there too.

19:47:43 From olga : I agree Wendy that the staff at city hall needs to be open minded and more learned about the vareities of housing elements!

19:50:49 From Jim : @Arlis and everyone I suppose: there is a catalog of preapproved renovations for the Freedom Home tract.

<https://www.costamesaca.gov/home/showpublisheddocument?id=250>

19:50:57 From Jim : Same could be done for ADUs

19:53:23 From Cindy Brahs : We may want to reconsider some office zoning.

19:53:48 From Wendy Leece : Someone just posted about the pre made plans for Freedom homes. Could include ADU.

19:55:30 From Cindy Brahs : Thank you!

19:55:45 From Wendy Leece : Thank you Good use of time!

19:56:04 From olga : How about small spaces for rvs i think Tustin or Orange have at least one.

19:57:20 From olga : great idea...we should just do it!!!

19:57:57 From Eileen Cirillo : Thank you.

19:58:02 From olga : great idea on the swales at the dividers at oak and 20th

**District 6:**

20:00:35 From L. Alejandra Reyes R. C. : Thank you!!

20:01:14 From Jeffrey Harlan : Thanks, all. That was really very helpful and enlightening--great ideas and discussion.

**Spanish Breakout Room:**

18:39:19 From Lucy : si

18:39:24 From Lucy : si gracias

18:41:41 From Lucy : gracias por la información

18:42:08 From Andy Godinez : De nada, gracias por su participacion

18:47:27 From Andy Godinez : <https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

19:01:12 From Lucy : si gracias

19:01:17 From Molly Mendoza (Kimley-Horn) : <https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

19:01:25 From Mary Martinez. : gracias

19:08:42 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : Even if its not related to the map - can you add their comments?

19:09:12 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : just so we can capture anything additional, we can always reformat

19:25:19 From Molly Mendoza (Kimley-Horn) to Andy Godinez(Direct Message) : Andy - will you just encourage everyone to participate - they don't have to but we want to hear from them :)

19:25:32 From Andy Godinez to Molly Mendoza (Kimley-Horn)(Direct Message) : Copy

19:42:33 From Lucy : gracias

19:43:06 From Andy Godinez : Gracias muchisimo por su tiempo y sus propociones

19:44:02 From Andy Godinez : <https://costamesahousingsurvey-sp.metroquest.com/>

**Other Comments:**

18:14:20 From Jan H. to Everyone : Did the State approve our appeal for lowering the total amount of housing Costa Mesa is supposed to cover?

18:14:44 From Jon Zich to Everyone : No

18:16:07 From Minoo Ashabi to Everyone : The City submitted an appeal along with over 50 other cities in the region. Only two appeals were approved based on technical errors so the City's appeal was not approved.

18:16:59 From Jan H. to Everyone : The appeal was very well written. I'm surprised that the state turned it down.

18:19:21 From Molly Mendoza (Kimley-Horn) to Everyone : More information on the cities that appealed and the process is available here: <https://scag.ca.gov/rhna>

18:27:17 From Pamela Morgan to Everyone : thanks for that info

18:32:46 From Jan H. to Everyone : Do units that are completed in 2021 count towards our total units for Costa Mesa?

18:34:54 From Jan H. to Everyone : How many people are on this zoom meeting?



## C.5 Targeted Focus Meeting Notes

The section contains a summary of the targeted focus meetings held with: English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.

### Targeted Focus Meeting Notes

The City of Costa Mesa employed a community outreach strategy that engaged community members multiple times at a Citywide level through live workshops, online surveys, and a thirty-day public review draft document. Next, the City went one level lower and held meetings by individual districts to determine what unique characteristics should be taken into consideration. Lastly, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. These communities can be affected by long-range housing plans, just as the rest of the community is, and community feedback from these groups is important to get when developing the Housing Element.

As part of the Targeted Focus Meetings, the City held one on one discussions with representatives from the following segments of the community:

- **Faith-based community (English and Spanish).** The City met with some of the local leaders within the faith-based community to discuss housing-related services currently being provided through church facilities or organizations. Participants in the meeting discussed the challenges the local organizations face when assisting members of the community in looking for housing and the recent successful example at Lighthouse Church. Participants included leaders from Lighthouse Church, The Crossing, and several other local churches as well as Ian Stevenson with Trellis, a community group established by people from all over Costa Mesa to tackle problems faced by residents each day.
- **Organizations that provide services for those experiencing homelessness.** The City met with organizations that provide services to people experiencing homelessness or who are in need of other services, such as locating jobs or completing and filing governmental paperwork. These are organizations that currently work fairly independently. The City discussed future ways in which they could collaborate and potentially assist in the efforts.
- **Costa Mesa Housing Coalition.** The City met with the Costa Mesa Housing Coalition who has been an active participant in all housing element related community meetings and workshops, in addition to the one-on-one meeting held. Some of the comments expressed were that Fairview Development Center should be strongly considered as a viable solution for lower-income housing, that accessory dwelling units were important to the community, and that mobile home parks, churches, and city-owned properties should all be explored. The most important point was that the City needs to pass an inclusionary housing ordinance, which is a program in the housing element and already currently underway.
- **Costa Mesa Mobile Home Park Advisory Committee.** The Mobile Home Park Advisory Committee is a City-established committee comprised of current mobile home park residents. Attendees discussed current issues within the mobile home parks and the need to further protect existing mobile home parks within Costa Mesa. The City did not identify any candidate housing sites on mobile home park sites within the Housing Element.

- **Affordable and market-rate housing developers.** City staff met with developers of both affordable and market-rate housing. Many of the participants had previously done work within the Orange County region and gave recommendations on topics such as density, product type, and potential candidate housing sites.
- **Interested property owners and landowners.** Property owners provided valuable input into existing uses and lease agreements, development agreements with the City, and other background information used in the sites analysis to determine feasibility of some of the candidate housing sites. They also provided information the types of future development they are considering.



## C.6 Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 1, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://www.costamesaca.gov/home/showpublisheddocument/46937/637502847448170000>

Video Recording: [https://costamesa.granicus.com/player/clip/3670?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true)



# AGENDA

**CITY OF COSTA MESA  
PLANNING COMMISSION  
SPECIAL STUDY SESSION  
VIA ZOOM WEBINAR  
Monday, March 1, 2021  
6:00 p.m.**

**BYRON DE ARAKAL – CHAIR  
KEDARIOUS COLBERT – VICE CHAIR  
DIANNE RUSSELL - COMMISSIONER  
JOHN STEPHENS – COMMISSIONER  
RUSSELL TOLER – COMMISSIONER  
JENNA TOURJE – COMMISSIONER  
JON ZICH – COMMISSIONER**

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Planning Commission Members to attend Planning Commission meetings telephonically. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. You are strongly encouraged to observe the Planning Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) AND ONLINE AT [youtube.com/costamesatv](https://youtube.com/costamesatv).

2. Zoom Webinar – March 1, 2021 **6:00 PM**

Please click the link below to join the webinar:

<https://zoom.us/j/96060379921?pwd=N2lrbzhJM2hWU3puZkk1T3VYTThoQT09>

Or sign into Zoom.com and “Join a Meeting”

Webinar ID: 960 6037 9921/ Passcode: 595958

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.

- During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

Participate via telephone: US: + 1 669 900 6833

Webinar ID: 960 6037 9921/ Passcode: 595958

During the Public Comment Period, press \*9 to add yourself to the queue and wait for city staff to announce your name/phone number and press \*6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

- Members of the public who wish to make a comment on a specific agenda item may submit your comment via email to [PCPublicComments@costamesaca.gov](mailto:PCPublicComments@costamesaca.gov). Comments received by **12:00 PM** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City as described above **NO LATER THAN 12:00 PM** on the day of the hearing. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information.
- Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and we will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.
- The City of Costa Mesa’s goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk’s office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

**The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.**

**CITY OF COSTA MESA PLANNING COMMISSION  
SPECIAL STUDY SESSION**

**MONDAY, MARCH 1, 2021 – 6:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**SPECIAL STUDY SESSION ITEM**

*Public comments are limited to 2 minutes, or as otherwise directed.*

1. [\*\*2021-2029 HOUSING ELEMENT – STATUS UPDATE\*\*](#)

RECOMMENDATION:

Receive and file.

**ADJOURNMENT**



# ***PLANNING COMMISSION – SPECIAL STUDY SESSION AGENDA REPORT***

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MEETING DATE: MARCH 1, 2021

ITEM NUMBER: |

SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE

DATE: FEBRUARY 25, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION  
CONTACT:

MINOO ASHABI, PRINCIPAL PLANNER  
[minoo.ashabi@costamesaca.gov](mailto:minoo.ashabi@costamesaca.gov)

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## **RECOMMENDATION**

Receive and file.

## **PURPOSE**

This study session is intended to provide information to the Planning Commission regarding the status of the Housing Element Update. The report includes a background section on Housing Element law and requirements, status of the Regional Housing Needs Assessment (RHNA) allocation and the City's appeal, Community Outreach efforts to date, a summary of Costa Mesa's Community Profile data, and a brief summary of the "sites analysis" portion of the Housing Element including an overview of the potential areas of the City that may be appropriate for additional housing development in order to meet the City's RHNA allocation.

## **BACKGROUND**

The Housing Element is one of the required General Plan Elements and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to HCD for certification by October 15, 2021. A City Council Study Session was held in February 2020 that includes a comprehensive background on the Housing Element and RHNA. The staff report is available at this link:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf>

With the Housing Element Update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. As part of the Update, the City will also establish goals, objectives, policies, and an implementation program demonstrating how Costa Mesa will meet its existing and future housing needs for all income levels and address recent housing legislation adopted in response to the State's housing shortage.

Although the City does not build housing, the Housing Element creates a strategy and regulatory framework, which provides opportunities for the private sector to develop housing.

### **Regional Housing Needs Assessment Update (RHNA)**

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City's RHNA allocation. The allocation is planned for an eight-year cycle. The City is currently in the 6<sup>th</sup> RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029. A jurisdiction with a non-certified Housing Element has limited access to state funding programs, including CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants. The City recently received an SB2 grant in the amount of \$310,000 and Local Early Action Plan (LEAP) funding in the amount of \$500,000 to update the Housing Element and to develop other policy programs that promote housing at all income levels, including the Accessory Dwelling Unit (ADU) ordinance and an inclusionary housing ordinance.

In addition, it is important to note that recent legislation, such as AB 72 and SB 35, authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

Under SCAG's approved RHNA Methodology for the 2021-2029 Housing Element planning period, Costa Mesa's draft RHNA allocation was set at 11,733 dwelling units. The final RHNA allocation, which includes a slight increase in the City's RHNA number to 11,760 units, is expected to be adopted by SCAG's Regional Council on March 3, 2021.

### **RHNA Appeal**

The City submitted an appeal of its draft RHNA allocation on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal on January 22, 2021 and made a compelling argument that there were many constrained areas of land (i.e., open spaces and parks, state owned land, John Wayne Airport proximity, etc.) in the City which are subject to external factors and not suitable for housing development within the eight-year cycle.

Even though, there was a general discussion among the subcommittee members that the 6<sup>th</sup> cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County appeals were denied). The final RHNA number for Costa Mesa will increase slightly from 11,733 to 11,760 due to redistribution of units as a result of the two approved appeals.

### Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category (pending the March 3, 2021 decision):

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4,959
<b>TOTAL (Costa Mesa)</b>		<b>11,760</b>
<b>TOTAL (SCAG Region)</b>		<b>1,341,827</b>

### **SB 35, AB 72 and Consequences of a Non-compliant Housing Element**

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their housing needs. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described in the next section of this report.

The City is also required to ensure that housing potential or capacity is maintained on sites with the potential to accommodate affordable units (as described in the Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City will eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government's actions do not comply with state law. HCD's website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. <https://www.hcd.ca.gov/community-development/accountability-enforcement.shtm>

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law,

the Housing Accountability Act, “no net loss” law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of some level of local control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City's authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue.

## **HOUSING ELEMENT UPDATE**

California's housing element law acknowledges that in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5<sup>th</sup> cycle. That threshold would drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The following sections discuss the different components of the Housing Element that will be addressed with the update including Community Outreach, the Community Profile, and the Site Inventory Analysis.

### **Community Outreach**

Based on direction from the City Council provided on July 21, 2020, staff has worked with Kimley-Horn to implement a comprehensive outreach approach to ensure creative methods are used to engage harder-to-reach populations including senior citizens,

families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: <https://www.costamesaca.gov/home/showpublisheddocument?id=46282>  
<https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be>
2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district and utility contacts. The surveys closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2 and 3. A comprehensive analysis of the survey results will be provided at a future meeting.
3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18 to allow for a more detailed discussion of the unique issues and opportunities within each district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District presentation and break out room videos are being posted online.
4. Subject Matter Expert Meetings – Staff have held and are continuing to hold meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, and housing advocates. In addition, staff is in the process of meeting with major landowners, homeless services providers, and targeted meetings with neighborhood groups in harder-to-reach areas of the community.

- Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following general ideas and comments regarding constraints and opportunities were shared at this meeting:
  - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
  - Lower parking standards to match parking demand for large residential complexes
  - Uncertainty associated with the Measure Y process discourages investment
  - Expedite and streamline application processing
  - Provide a clear, comprehensive fee schedule
  - Defer impact fees
- Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments were shared:
  - Housing Element should plan for workforce housing
  - Housing development has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
  - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
  - Provide by right zoning for housing development in appropriate locations
  - Partner with churches and City-owned properties to develop housing in underutilized parking lots
  - Housing should be equitable and distributed fairly in the community
  - There is a need for larger units to accommodate larger households at affordable levels
- 5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.
- 6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City's website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. To date, there have been a total of 83,331 "impressions" on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff will continue its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage harder-to-reach communities; upcoming meetings with major landowners, homeless services providers, and other subject matter experts; and preparation and launch of a series of short

community videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

## Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics:

- 1) Population Characteristics – this data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010- 2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
<b>Costa Mesa</b>	<b>109,960</b>	<b>111,200</b>	<b>113,900</b>	<b>116,500</b>	<b>116,400</b>	<b>3.6%</b>	<b>2.2%</b>
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
<i>Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.</i>							

The following table shows age distribution in Costa Mesa showing that 20.3% of the polutaion is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Table 2: Age Distribution by Jurisdiction, 2018							
Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	5.7%	11.4%	3.2%	9.6%	35.2%	24.3%	10.7%
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%
Source: American Community Survey, 5-Year Estimates, 2018							

The following table shows the racial and ethnic distribution in Costa Mesa.

Table 3: Racial and Ethnic Composition, 2018								
Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	71.6	1.9%	0.4%	8.4%	0.7%	13%	4%	36.1%
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%
Source: American Community Survey, 5-Year Estimates, 2018.								

- 2) Economics Characteristics – this data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	84,600	89,600	92,700	93,200	5.9%	4.0%	8,600
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000

Source: SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.

- 3) Households Characteristics – this data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of the household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
<b>Costa Mesa</b>	<b>12,138</b>	<b>10.7%</b>
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%

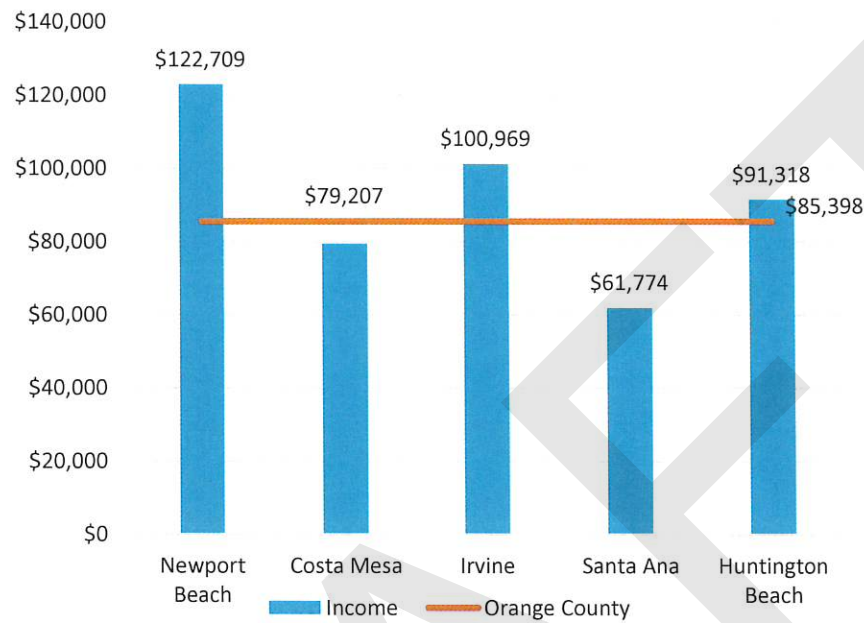
Source: American Community Survey, 5-Year Estimates, 2018.

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married- couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Household s
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
<b>Costa Mesa</b>	<b>17,568</b>	<b>42.8%</b>	<b>4,191</b>	<b>10.2%</b>	<b>16,509</b>	<b>40.2%</b>	<b>41,019</b>
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373

Source: American Community Survey, 5-Year Estimates, 2018.

The following graphic shows that the median household income in Costa Mesa is \$79,207 slightly lower than the county average.



- 4) The Community profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa						
Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
<b>Total</b>	<b>1,520</b>	<b>37.2%</b>	<b>2,571</b>	<b>62.8%</b>	<b>4,091</b>	<b>100%</b>
Source: American Community Survey, 5-Year Estimates, 2018						

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	Total Overcrowded Units	Percent of Total Housing Units
Newport Beach	570	1.5%
<b>Costa Mesa</b>	<b>3,686</b>	<b>9%</b>
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is \$2,159, \$2,649 for a two bedroom unit, and \$3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2,055	\$2,077	\$2,091	\$2,159	5.1%
2 bedrooms	\$2,553	\$2,582	\$2,579	\$2,649	3.8%
3 Bedrooms	\$3,027	\$3,044	\$3,097	\$3,160	4.4%
Price per Square Foot					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2.48	\$2.57	\$2.97	\$2.83	14.1%
2 bedrooms	\$2.20	\$2.25	\$2.32	\$2.36	7.3%
3+ Bedrooms	\$1.95	\$2.15	\$2.25	\$2.30	17.9%
<i>Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.</i>					

The Community Profile in its entirety will be included in the draft Housing Element and shared at a future meeting.

## Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The City will undertake a comprehensive review of all land uses and potential housing sites referred as a "Site Inventory". The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA need without rezoning areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in underutilized areas such as surface parking lots. The ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will only accommodate a small portion of the RHNA allocation.

In discussion with Subject Matter Expert Groups and District-Specific discussions during the community outreach meetings, the following areas were identified as potential areas for housing growth:

- 1) Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision for the site.
- 2) Industrial sites – since this area includes larger parcels, it may be appropriate for housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for industrial areas.
- 3) Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19<sup>th</sup> Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
- 4) Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus

land. Large church sites with Public/Institutional zoning could also be considered in the analysis.

- 5) Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19<sup>th</sup> Street, and 17<sup>th</sup> Street – There is currently a mixed use overlay along Harbor Boulevard that extends from 19<sup>th</sup> Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17<sup>th</sup> Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17<sup>th</sup> Street. Both horizontal and vertical mixed use opportunities could be considered.
- 6) Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
- 7) Accessory Dwelling Units – The City's local ordinance includes development standards that could allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
- 8) Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team will evaluate the above listed areas as part of the Site Inventory Analysis effort and will return to the Planning Commission at a future meeting to discuss the housing constraints analysis, the sites analysis, and the draft policy program.

### **NEXT STEPS:**















The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next month, City staff and our consultant will complete outreach efforts and the Community Profile, and will begin the Constraints and Sites Analysis. A City Council Study Session is planned for March 23, 2021. Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a public comment period, along with a CEQA compliance analysis. Ultimately, to meet the state mandated deadline, public hearings on the Housing Element will need to be held in summer 2021 and an adopted Housing Element submitted to State HCD by October 15, 2021.

  
**MINOO ASHABI**  
Principal Planner  
**JENNIFER LE**  
Director of Economic and  
Development Services

ATTACHMENTS:

1. [Social Media Data](#)
2. [Community Survey Summary- English language](#)
3. [Community Survey Summary- Spanish language](#)

## HOUSING ELEMENT PUBLIC OUTREACH

English Post	Spanish Post	Date	Facebook Impressions	Instagram Impressions	Nextdoor Impressions	Nixle Texts/emails	Twitter Impressions	Snapshot Emails Sent	Total Impressions
		2/18/21	321						321
		2/17/21	603						603
		2/16/21	635	1,936	443	6,878			9,982
		2/16/21	1,122	2,910					4,032
		2/15/21	713	2,063	443				3,219
		2/14/21	1,125	1,964					3,089
		2/13/21	785	2,139					2,924
		2/12/21	2,115	5,108					7,223

## HOUSING ELEMENT PUBLIC OUTREACH

[illegible]



## C.7 City Council Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 23, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://www.costamesaca.gov/home/showpublisheddocument/47187/637516952381070000>

Minutes: <https://www.costamesaca.gov/home/showpublisheddocument/47746/637552180849270000>

Video Recording: [https://costamesa.granicus.com/player/clip/3697?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true)



# AGENDA

**CITY OF COSTA MESA  
CITY COUNCIL  
SPECIAL STUDY SESSION  
Tuesday, March 23, 2021**

**5:00 p.m.**

**CITY HALL, CITY COUNCIL CHAMBERS  
77 FAIR DRIVE, COSTA MESA, CALIFORNIA**

**KATRINA FOLEY - MAYOR  
ANDREA MARR - MAYOR PRO TEM  
MANUEL CHAVEZ – COUNCIL MEMBER  
LOREN GAMEROS - COUNCIL MEMBER  
JEFF HARLAN - COUNCIL MEMBER  
DON HARPER - COUNCIL MEMBER  
ARLIS REYNOLDS – COUNCIL MEMBER**

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or [http://costamesa.granicus.com/player/camera/2?publish\\_id=10&redirect=true](http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true) and online at [youtube.com/costamesatv](https://www.youtube.com/c/costamesatv) (Note the chat feature on YouTube is disabled).
2. Zoom Webinar:  
Please click the link below to join the webinar:  
<https://zoom.us/j/94075129334?pwd=Z3B5aUVvU0MrUmRkUFIKaFM4S01Ddz09>  
Or sign into Zoom.com and “Join a Meeting”  
Enter Webinar ID: **940 7512 9334**/ Password: **030331**
  - If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
  - Select “Join Audio via Computer.”
  - The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
  - During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: Call: [1 669 900 6833](tel:16699006833)

Enter Webinar ID: [940 7512 9334](https://cityclerk@costamesaca.gov)/ Password: [030331](https://cityclerk@costamesaca.gov)

During the Public Comment Period, press \*9 to add yourself to the queue and wait for city staff to announce your name/phone number and press \*6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.
4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) **NO LATER THAN 12:00 Noon** on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at [www.costamesaca.gov](http://www.costamesaca.gov) or by clicking [here](#).

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

**The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.**

**CITY OF COSTA MESA CITY COUNCIL  
SPECIAL STUDY SESSION**

**TUESDAY, MARCH 23, 2021 – 5:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**SPECIAL STUDY SESSION ITEM:**

*Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.*

1. [2021-2029 HOUSING ELEMENT – STATUS UPDATE](#) – Development Services Department/Planning Division

**RECOMMENDATION:**

Staff recommends that the City Council:

Receive and file.

**ADJOURNMENT**



# ***CITY COUNCIL – SPECIAL STUDY SESSION AGENDA REPORT***

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MEETING DATE: MARCH 23, 2021

ITEM NUMBER: 1

**SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE**

**DATE: MARCH 11, 2021**

**FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

**PRESENTATION BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND  
DEVELOPMENT SERVICES  
MINOO ASHABI, PRINCIPAL PLANNER**

**FOR FURTHER INFORMATION  
CONTACT:**

**MINOO ASHABI, PRINCIPAL PLANNER  
[minoo.ashabi@costamesaca.gov](mailto:minoo.ashabi@costamesaca.gov)**

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## **RECOMMENDATION**

Receive and file.

## **PURPOSE**

This study session is intended to provide information and receive feedback from the City Council regarding the Housing Element Update. This report includes information regarding Housing Element law, the Regional Housing Needs Assessment (RHNA), the Housing Element community outreach efforts, Costa Mesa's Community Profile data, and an overview of potential areas of the City that could be appropriate to include in the City's forthcoming housing strategy.

## **BACKGROUND**

The Housing Element is one of the required chapters or "elements" of the General Plan and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to the State Department of Housing and Community Development (HCD) for certification by October 15, 2021.

A City Council Study Session was first held in October 2019 and a second in February 2020 to discuss the Housing Element and RHNA. The staff reports, meeting minutes and videos for these study sessions are available at the following links:

October 8, 2019 Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-10-08/Item-1.pdf>

Meeting Minutes:

<https://www.costamesaca.gov/home/showpublisheddocument?id=46106>

Video:

[http://costamesa.granicus.com/player/clip/3458?view\\_id=10&redirect=true](http://costamesa.granicus.com/player/clip/3458?view_id=10&redirect=true)

February 25, 2020 Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf>

Meeting Minutes:

<https://www.costamesaca.gov/home/showpublisheddocument?id=46110>

Video:

[https://costamesa.granicus.com/player/clip/3517?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3517?view_id=10&redirect=true)

Following the February 2020 Study Session, the City retained Kimley–Horn as the City’s consultant expert and launched the Housing Element Update effort in August 2020.

For the Housing Element Update, the City must identify potential land suitable for housing development to meet the City’s RHNA allocation. As part of the update, the City must also establish goals, policies, objectives and an implementation program that responds to recent housing legislation and demonstrates how Costa Mesa will meet its existing and future housing needs for all income levels.

Although the City does not build housing, the Housing Element creates a strategy and high-level regulatory framework that provides opportunities for the private sector to develop housing.

### **Regional Housing Needs Assessment Update (RHNA)**

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City’s RHNA allocation. The RHNA allocation is planned for an eight-year cycle. The City is currently in the 6<sup>th</sup> RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029.

Under the Southern California Association of Government’s (SCAG’s) approved RHNA methodology for the 2021-2029 Housing Element planning period, Costa Mesa’s draft RHNA allocation was 11,733 units.

## RHNA Appeal

On October 20, 2020, the City Council authorized and directed staff to appeal the RHNA allocation. The City submitted its appeal to SCAG on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal at a public hearing on January 22, 2021 and made a compelling argument that there were many constrained areas of land in the City which are subject to external factors and not feasible for housing development within the eight-year cycle.

Even though there was a general discussion among the appeal board members that the 6<sup>th</sup> cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County cities' appeals were denied). SCAG's decision was ultimately ratified at its meeting of February 16, 2021. The final RHNA allocation for Costa Mesa was increased slightly from 11,733 to 11,760 housing units due to redistribution of units as a result of the two approved appeals.

## Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision):

**Table 1 – Final RHNA Allocation**

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4,959
<b>TOTAL (Costa Mesa)</b>		<b>11,760</b>
<b>TOTAL (SCAG Region)</b>		<b>1,341,827</b>

The area median income for a 4-person household in Orange County in 2020 was \$103,000.

## **SB 35, AB 72 and Consequences of a Non-compliant Housing Element**

A jurisdiction with a non-compliance Housing Element has limited access to state funding programs, potentially jeopardizing millions of dollars in transportation-related grants, CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants.

In addition, recent legislation such as AB 72 and SB 35 authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a

Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their RHNA allocation. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described later in this report.

The City is also required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City may eventually trigger the “No Net Loss” provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government’s actions do not comply with state law. HCD’s website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. <https://www.hcd.ca.gov/community-development/accountability-enforcement.shtml>

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law, the Housing Accountability Act, “no net loss” law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City’s authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue the city.

## **PAST PERFORMANCE**

The projected housing need for the SCAG region for the 5th cycle RHNA 2013 to 2021 planning period was 412,137 units. The City’s RHNA allocation for the 5<sup>th</sup> Cycle 2013 to

2021 planning period was only two housing units (one very low income unit and one low income unit). In general, many cities received low RHNA allocations during the 5<sup>th</sup> cycle (Newport Beach was allocated five units and Laguna Beach two units) due to several factors such as foreclosures and high vacancy rates during the recession.

Per Government Code section 65400 the City has prepared annual progress reports (APR) on the status of the Housing Element and the City's progress in meeting its RHNA allocation. <https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan/general-plan-annual-reports>

The most recent report shows that between 2014 and 2019, the City finalized building permits for 948 new housing units. Of those, eight housing units fell into lower income categories. Additional housing units are currently under construction, including an additional nine deed-restricted "very low income" units associated with the project at the former Costa Mesa Motor Inn site (2277 Harbor Boulevard). As such, the City expects to meet and exceed its RHNA allocation for this planning period.

## **HOUSING ELEMENT UPDATE**

California's housing element law acknowledges that for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5<sup>th</sup> cycle. That threshold could drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace of housing. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The Housing Element contains the following major components:

- Community Profile
- Opportunities and Constraints Analysis
- Goals, policies and objectives
- Implementation Program
- Appendices
  - Summary of Community Outreach

- Review of Past Performance
- Sites Analysis

The following sections discuss the various components of the Housing Element Update currently underway.

## **Community Outreach**

Based on direction from the City Council, staff have worked with Kimley-Horn to implement a comprehensive outreach approach including using creative methods to engage harder-to-reach populations including senior citizens, families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: <https://www.costamesaca.gov/home/showpublisheddocument?id=46282>  
<https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be>
2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather high-level information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district staff, and utility contacts. The survey window closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2, 3, and 4.
3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18, 2021 to allow for a more detailed discussion of the unique issues and opportunities within each Council district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District

presentation and break out room videos are posted on the Housing Element Webpage.

4. Subject Matter Expert Meetings – Staff held meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, homeless services providers and housing advocates. In addition, staff is in the process of meeting with major landowners and holding targeted meetings with neighborhood groups in harder-to-reach areas of the community.
  - Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following ideas and comments regarding constraints and opportunities were shared at this meeting:
    - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
    - Lower parking standards to match parking demand for large residential complexes
    - Uncertainty associated with the Measure Y process discourages investment
    - Expedite and streamline planning application processing
    - Provide a clear, comprehensive fee schedule
    - Defer development impact fees
  - Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments regarding constraints and opportunities were shared:
    - Housing Element should plan for workforce housing
    - Housing development in Costa Mesa has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
    - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
    - Provide by right zoning for housing development in appropriate locations
    - Partner with churches and City-owned properties to develop housing in underutilized parking lots
    - Housing should be equitable and distributed fairly in the community
    - There is a need for larger units to accommodate larger households at affordable levels
  - Homeless and service Providers – There were seven participants in this meeting who specialized in homeless services, transitional and permanent housing for homeless individuals and families as well as social services for

domestic violence and women and children. The following general ideas regarding constraints and opportunities were shared:

- Setting aside affordable housing with each development should be considered
  - Density bonus should be encouraged with relaxed parking standards
  - Option of a 99-year ground lease on City properties for housing development should be considered
  - Education and services are needed to help individuals facing housing challenges such as improving credit score, filing paperwork, fear of immigration issues, and mental illness
  - Supportive housing with wraparound services, employment training, subsidized housing, education and mentorship programs are needed
  - Tenant Based Rental Assistance (TBRA) and other rental subsidy programs are needed
  - Place housing close to transportation and providing bike and pedestrian accessibility
  - Alternative housing options such as co-living and conversion of commercial and office building into residential units are recommended
  - Tiny house sites are recommended
5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.
6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City's website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. By early March, there were a total of 83,331 "impressions" on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff are continuing its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage in more detailed conversations with harder-to-reach communities; meetings with major landowners to discuss future plans for vacant sites and sites under development agreements; and launch of a series of short videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

## Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics of: Population, Economics, and Household Characteristics that are discussed as follows.

1. **Population Characteristics** – This data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
<b>Costa Mesa</b>	<b>109,960</b>	<b>111,200</b>	<b>113,900</b>	<b>116,500</b>	<b>116,400</b>	<b>3.6%</b>	<b>2.2%</b>
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
<i>Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.</i>							

The following table shows age distribution in Costa Mesa showing that 20.3% of the population is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
<b>Costa Mesa</b>	<b>5.7%</b>	<b>11.4%</b>	<b>3.2%</b>	<b>9.6%</b>	<b>35.2%</b>	<b>24.3%</b>	<b>10.7%</b>
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%

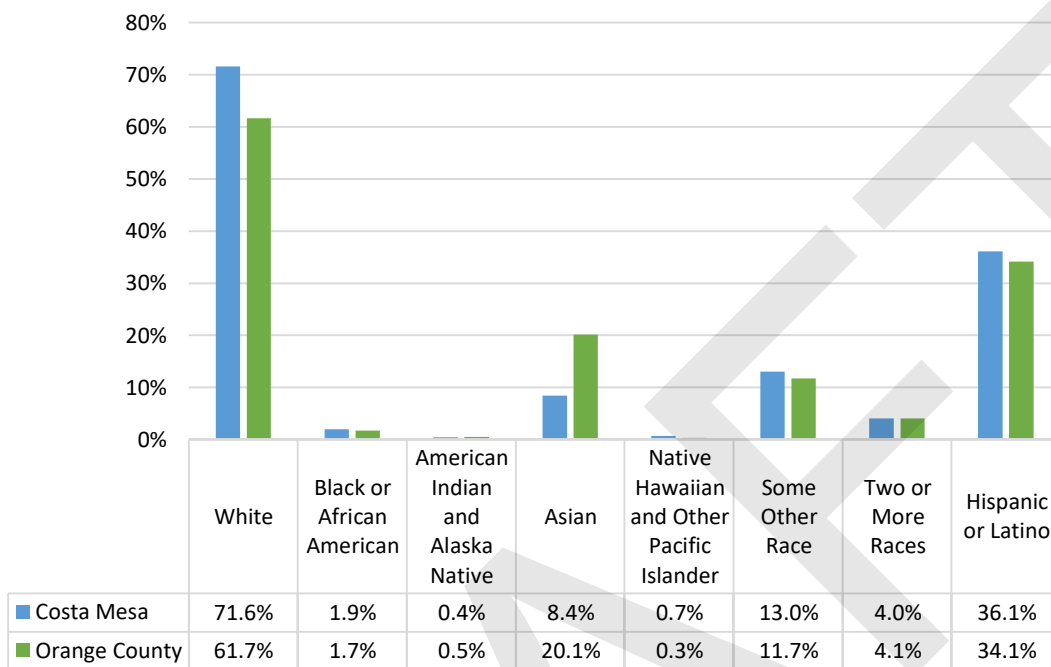
Source: American Community Survey, 5-Year Estimates, 2018

The following table shows racial and ethnic distribution in Costa Mesa.

Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
<b>Costa Mesa</b>	<b>71.6</b>	<b>1.9%</b>	<b>0.4%</b>	<b>8.4%</b>	<b>0.7%</b>	<b>13%</b>	<b>4%</b>	<b>36.1%</b>
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

The following chart represents the ethnic and racial composition of the City in comparison to Orange County.



2. **Economics Characteristics** – This data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
<b>Costa Mesa</b>	<b>84,600</b>	<b>89,600</b>	<b>92,700</b>	<b>93,200</b>	<b>5.9%</b>	<b>4.0%</b>	<b>8,600</b>
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

The following table shows employment growth in the City and adjacent cities.

Table 5: Employment Growth Trends, 2012-2040							
Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
<b>Costa Mesa</b>	<b>84,600</b>	<b>89,600</b>	<b>92,700</b>	<b>93,200</b>	<b>5.9%</b>	<b>4.0%</b>	<b>8,600</b>
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

3. **Households Characteristics** – This data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

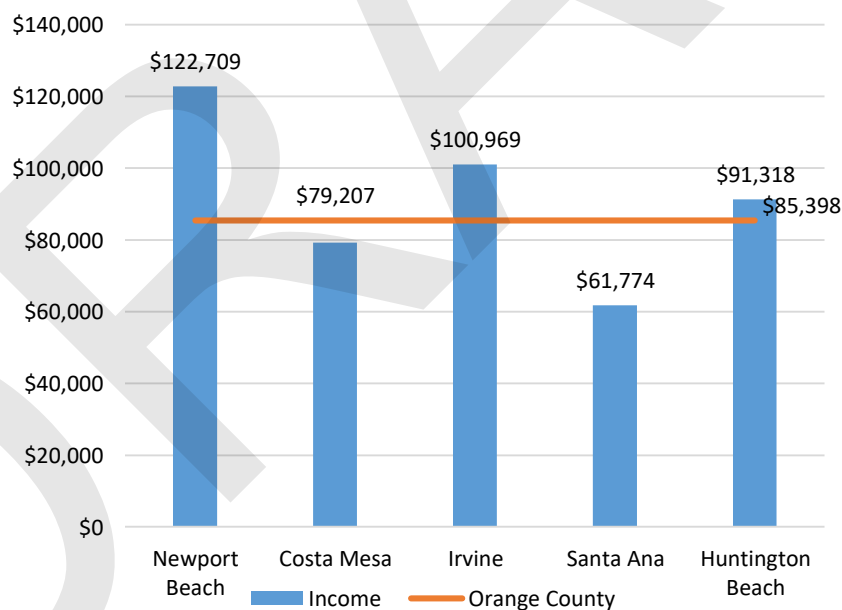
Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
<b>Costa Mesa</b>	<b>12,138</b>	<b>10.7%</b>
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married-couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Households
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
<b>Costa Mesa</b>	<b>17,568</b>	<b>42.8%</b>	<b>4,191</b>	<b>10.2%</b>	<b>16,509</b>	<b>40.2%</b>	<b>41,019</b>
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373

Source: American Community Survey, 5-Year Estimates, 2018.

The following graphic shows that the median household income in Costa Mesa is \$79,207 slightly lower than the county average.



- Housing Issues** - The Community Profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa						
Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
<b>Total</b>	<b>1,520</b>	<b>37.2%</b>	<b>2,571</b>	<b>62.8%</b>	<b>4,091</b>	<b>100%</b>
<i>Source: American Community Survey, 5-Year Estimates, 2018</i>						

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	Total Overcrowded Units	Percent of Total Housing Units
Newport Beach	570	1.5%
<b>Costa Mesa</b>	<b>3,686</b>	<b>9%</b>
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is \$2,159, \$2,649 for a two bedroom unit, and \$3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2,055	\$2,077	\$2,091	\$2,159	5.1%
2 bedrooms	\$2,553	\$2,582	\$2,579	\$2,649	3.8%
3 Bedrooms	\$3,027	\$3,044	\$3,097	\$3,160	4.4%
Price per Square Foot					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2.48	\$2.57	\$2.97	\$2.83	14.1%
2 bedrooms	\$2.20	\$2.25	\$2.32	\$2.36	7.3%
3+ Bedrooms	\$1.95	\$2.15	\$2.25	\$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

The Community Profile in its entirety will be included in the draft Housing Element.

## Housing Programs and Policies

In addition to the Community Profile, the Housing Element must include an analysis of opportunities and constraints (both governmental and non-governmental) and must also articulate housing goals, policies and objectives that support and promote housing. Previous Housing Element goals and policies focused on: 1) preserving the existing housing stock including mobile home parks; 2) promoting use of programs such as density bonus to promote affordable housing development; 3) encouraging development or maintenance of a range of housing types that varies sufficiently in terms of cost, design, size, location, and tenure; and 4) ensuring existing and future housing opportunities are open and available to all social and economic segments of the community.

Given that the 6<sup>th</sup> Cyle RHNA allocation includes 11,760 units, the policies and programs of this Housing Element Update will need to be more detailed and assertive to ensure compliance with State requirements and to support future compatible housing opportunities over the next 8 years.

## Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The Housing Element team will undertake a comprehensive review of all land uses and potential housing sites referred as a "Site Inventory". The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA allocation in affordable categories without re-visioning and revising zoning in certain areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay/urban plan or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in appropriate underutilized areas such as surface parking lots. ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will likely accommodate only a small portion of the RHNA allocation.

In discussions with Subject Matter Expert groups and during the District-Specific outreach meetings, the following areas were identified as potential areas for housing:

1. Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision and opportunities for housing at the site.
2. Industrial sites – There are three major industrial hubs within the City:
  - a. the area north of the I-405, some of which is covered by the North Costa Mesa Specific Plan;
  - b. the industrial area near Baker Block; and
  - c. the industrial area near John Wayne Airport.

Since these areas include larger parcels, such parcels may be appropriate for larger scale housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for housing in these industrial areas.

3. Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19<sup>th</sup> Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
4. Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus land. Large church sites with Public/Institutional zoning could also be considered in the analysis.
5. Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19<sup>th</sup> Street, and 17<sup>th</sup> Street – There is currently a mixed use overlay along Harbor

Boulevard that extends from 19<sup>th</sup> Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17<sup>th</sup> Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17<sup>th</sup> Street. Both horizontal and vertical mixed use opportunities could be considered.

6. Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
7. Accessory Dwelling Units – The City's local ordinance includes development standards that allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
8. Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team are evaluating the above listed areas as part of the Sites Analysis effort and will return to the City Council at a future meeting to discuss the opportunities and constraints analysis, sites analysis, and the draft policy and implementation program.

## **Measure Y**

As the Housing Element team evaluates areas throughout the City for its ability to support compatible housing projects in Costa Mesa, it appears that Measure Y may present a major challenge in developing a compliant Housing Element. While the state-required Housing Element update itself is exempt from Measure Y, the language of Measure Y is unclear as to how it might apply to any planning or zoning efforts necessary to meet the State-mandated RHNA allocation. Should the City fail to achieve Housing Element certification or fall out of compliance due to an inability to plan or zone for housing needs, the City would be subject to sanctions such as ineligibility for state grants and the loss of transportation funding. This is important as the City receives approximately \$5 million per year in funding from the state which currently funds the City's streets, curb and gutter repair, active transportation and other critical infrastructure projects.

In addition to difficulties in maintaining a compliant Housing Element, Measure Y appears to present an impediment to property owners deciding to develop housing in Costa Mesa because of the uncertainty that arises from the need for a ballot measure requiring voter approval. Such potential impediments make it difficult for the City to maintain a compliant Housing Element (given a RHNA allocation of this magnitude), and/or to show sufficient progress toward meeting the City's RHNA allocation each year as required by state law. Staff has already seen a number of interested property owners and developers choose

to invest in other communities rather than risk the time, cost and uncertainty of processing a request through Measure Y.

Maintaining a compliant Housing Element in the context of Measure Y is an important issue warranting continued conversations with the Costa Mesa community, housing advocates, property owners and City staff and officials. Ultimately, we must come to consensus on how to move forward with a successful housing strategy that allows us to achieve our common housing goals.

## **PLANNING COMMISSION STUDY SESSION**

The Planning Commission held a study session on March 1, 2021. There were six public speakers who provided comments regarding several topics including: 1) the importance of an inclusionary housing ordinance with a minimum affordability requirement; 2) amending the Urban Plan and Residential Incentive Overlays to require a minimum affordability requirement; 3) upzoning Fairview Developmental Center to allow a mix of uses, densities and housing types; 4) including provisions for permanent supportive housing; 5) allowing higher densities to attract market rate housing developers that could lead to development of affordable housing; and 6) recognizing Measure Y as a potential impediment, consequences of non-compliance, and that SB 35 that could lead to housing development without California Environmental Quality Act (CEQA) compliance.

The Planning Commission discussed the City's challenges in meeting its high RHNA allocation and provided comments including but not limited to the following:

1. Importance of recognizing that non-compliance with RHNA/State laws will have consequences such as losing local control and streamlining of projects without local input
2. State requirement of AB 1397 related to site area of ½ acre minimum and 10 acre maximum for housing development will affect the City's sites analysis
3. Consideration of allowing for housing on large parking lots of commercial properties
4. Consideration of clustering development in appropriate locations while maintaining open space and the potential for a transfer of development rights policy
5. Consideration of policies that lead to a variety of housing types and designs that are compatible with the Costa Mesa fabric and meet the needs of various populations in terms of household type, age, and income groups
6. Consideration of City-owned properties for housing development
7. Consideration of housing policies that provide a pathway to homeownership

The Planning Commission Study Session can be viewed at the following link:  
[https://costamesa.granicus.com/player/clip/3670?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true)

## **NEXT STEPS:**

The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next few months, the Housing Element Update team will:

- Continue with targeted community outreach efforts
- Complete the Opportunities and Constraints analysis and the comprehensive Sites Analysis
- Hold a joint Planning Commission/City Council Study Session in April to discuss the housing strategy for meeting the City's RHNA allocation, potential programs and policies, and the Housing Element Implementation Program

Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period. After, the revised draft will be submitted to HCD for review. Following any revisions, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

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**MINOO ASHABI**  
Principal Planner

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**JENNIFER LE**  
Director of Economic and  
Development Services

## **ATTACHMENTS:**

1. [Social Media Data](#)
2. [Community Survey Summary- English language](#)
3. [Community Survey Summary- Spanish language](#)
4. [Community Survey Comments Summary](#)



## C.8 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the April 27, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://www.costamesaca.gov/home/showpublisheddocument/47682/637551264967530000>

Minutes: <https://www.costamesaca.gov/home/showpublisheddocument/48002/637571885573630000>

Video Recording: [https://costamesa.granicus.com/player/clip/3710?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true)



# AGENDA

**CITY OF COSTA MESA  
CITY COUNCIL AND PLANNING COMMISSION  
SPECIAL JOINT STUDY SESSION  
Tuesday, April 27, 2021, 5:00 p.m.  
VIRTUAL LOCATIONS, COSTA MESA, CALIFORNIA**

**JOHN STEPHENS - MAYOR  
ANDREA MARR - MAYOR PRO TEM  
MANUEL CHAVEZ – COUNCIL MEMBER  
LOREN GAMEROS - COUNCIL MEMBER  
JEFF HARLAN - COUNCIL MEMBER  
DON HARPER - COUNCIL MEMBER  
ARLIS REYNOLDS – COUNCIL MEMBER  
BYRON DE ARAKAL – PLANNING COMMISSION CHAIR  
KEDARIOUS COLBERT – PLANNING COMMISSION VICE CHAIR  
ADAM ERETH – PLANNING COMMISSIONER  
DIANNE RUSSELL – PLANNING COMMISSIONER  
RUSSELL TOLER – PLANNING COMMISSIONER  
JENNA TOURJE – PLANNING COMMISSIONER  
JON ZICH – PLANNING COMMISSIONER**

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or [http://costamesa.granicus.com/player/camera/2?publish\\_id=10&redirect=true](http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true) and online at [youtube.com/costamesatv](https://www.youtube.com/c/costamesatv) (Note the chat feature on YouTube is disabled).

2. Zoom Webinar:

Please click the link below to join the webinar:

<https://zoom.us/j/98137963334?pwd=RnBkRThrdGhVaCtnZmtWbEU4eWtWZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: **981 3796 3334**/Password: **440975**

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

Participate via telephone: Call: **1 669 900 6833**

Enter Webinar ID: [981 3796 3334](#)/Password: [440975](#)

During the Public Comment Period, press \*9 to add yourself to the queue and wait for city staff to announce your name/phone number and press \*6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.
4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) **NO LATER THAN 12:00 Noon** on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at [www.costamesaca.gov](http://www.costamesaca.gov) or by clicking [here](#).

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

**The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.**

**CITY OF COSTA MESA CITY COUNCIL AND PLANNING COMMISSION  
SPECIAL JOINT STUDY SESSION**

**TUESDAY, APRIL 27, 2021 – 5:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE – Mayor Stephens**

**ROLL CALL**

**SPECIAL STUDY SESSION ITEM:**

*Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.*

1. [2021-2029 HOUSING ELEMENT](#) – Development Services Department/Planning Division

**RECOMMENDATION:**

Staff recommends that the City Council and Planning Commission:

Provide feedback and receive and file.

**ADJOURNMENT**



## ***CITY COUNCIL/ PLANNING COMMISSION- JOINT STUDY SESSION AGENDA REPORT***

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MEETING DATE: APRIL 27, 2021

ITEM NUMBER: 1

SUBJECT: 2021-2029 HOUSING ELEMENT – COMMUNITY PROFILE,  
OPPORTUNITIES AND CONSTRAINTS, AND SITE SELECTION  
PROCESS

DATE: APRIL 23, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION  
CONTACT:

MINOO ASHABI, PRINCIPAL PLANNER  
[MINOO.ASHABI@COSTAMESACA.GOV](mailto:MINOO.ASHABI@COSTAMESACA.GOV)

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### **RECOMMENDATION:**

Provide feedback and receive and file.

### **PURPOSE:**

This joint study session is intended to update and receive feedback from the Planning Commission and City Council on the Housing Element Update. The report is organized into three sections: 1) the Community Profile; 2) opportunities and constraints for housing; and 3) potential housing opportunities to meet the City's Regional Housing Needs Assessment (RHNA) allocation.

### **BACKGROUND:**

With the Housing Element update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. In addition, the Housing Element will provide goals, objectives, policies, and implementation programs demonstrating how Costa Mesa intends to meet its housing needs for all income levels and address recent housing legislation adopted in response to the state's housing shortage.

Per State law, a City-Council approved Housing Element is required to be submitted to the HCD by October 2021. Costa Mesa's RHNA allocation for the 2021-2029 Housing Element planning period is 11,760 dwelling units.

## RHNA Allocation

The basis of the Housing Element Update is compliance with RHNA. The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision:

Table 1 – Final RHNA Allocation					
Income Category	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. – Max.		RHNA Allocation
Very Low Income	0-50% AMI	\$961 - \$1,281	--	\$64,050	2,919 units
Low Income	51-80% AMI	\$2,561	\$64,051	\$102,450	1,794 units
Moderate Income	81-120% AMI	\$3,090	\$102,451	\$123,600	2,088 units
Above Moderate Income	>120% AMI	>\$3,090	\$123,601	--	4,959 units
Total					11,760 units

The affordability rates are based on the area median income for a 4-person household in Orange County which was \$103,000 in 2020.

## Previous Study Sessions

A Planning Commission Study Session was held on March 1, 2021 and a City Council Study Session was held on March 23, 2021. The staff reports and meeting videos for these study sessions are available at the following links:

March 23, 2021 City Council Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf>

Meeting Video:

[https://costamesa.granicus.com/player/clip/3697?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true)

March 1, 2021 Planning Commission Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf>

Meeting Video:

[https://costamesa.granicus.com/player/clip/3670?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true)

At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance, Costa Mesa's demographics and preliminary Community Profile data, summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The previous Study Sessions held with the Planning Commission and City Council focused primarily on the legal requirements and process cities must follow pursuant to State law to update the City's Housing Element for the 2021-2029 8-year cycle. The focus of this report is on the Opportunity and Constraints analysis and the

Housing Opportunity Sites process – two major components of the Housing Element Update for the City of Costa Mesa that will be provided to the State's Department of Housing and Community Development (HCD).

### **HOUSING ELEMENT UPDATE:**

The Housing Element contains the following major components:

1. Community Profile
2. Opportunities and Constraints Analysis
3. Goals, policies and objectives
4. Implementation Program
5. Appendices:
  - Summary of Community Outreach
  - Review of Past Performance
  - Sites Analysis

The following sections discuss the components of the Housing Element Update.

### **Community Profile**

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. At the March 23<sup>rd</sup> City Council study session, preliminary Community Profile data was presented. The draft Community Profile section of the Housing Element has been completed and is included as Attachment 1.

The Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Such data is useful in understanding the community's changing demographics and serves as the foundation for the Housing Element's policies by describing and assessing the factors and characteristics that contribute to the supply and demand for housing in Costa Mesa.

In summary, the Community Profile indicates that:

- Costa Mesa's population is showing aging trends; therefore, housing policies should consider the needs of seniors who typically have a fixed income, need accessibility accommodations, and may seek options for senior communities or assisted living. Multigenerational and large family housing options should also be considered.
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance programs for renovating their homes to ensuring safe living environments and improve the City's housing stock.
- Costa Mesa experienced the lowest growth in new housing units in the past decade in comparison to neighboring cities. The Opportunities and Constraints analysis

evaluates the factors that may play a role in slow housing development. Housing policies that seek to lessen constraints should be considered.

- By household income, Table 2 shows that approximately 48% of Costa Mesa households fall into lower income categories. Based on market rental and ownership rates, most lower income households are not able to afford to buy or rent most housing in Costa Mesa. Over the long-term, the lack of access can lead to overcrowding, overpayment, and migration of Costa Mesa residents to other communities that are more affordable. This data indicates that production of and access to affordable housing and homeownership facilitation should be considered in the City's housing policies.

<b>Table 2 – Households by Income Category, 2020</b>		
<b>Income Category (% of Orange County's AMI)</b>	<b>No. of Households</b>	<b>Percent</b>
Extremely Low (30% AMI or less)	6,610	16.3%
Very Low (31 to 50% AMI)	5,220	12.9%
Low (51 to 80% AMI)	7,325	18.1%
Moderate or Above (over 80% AMI)	21,405	52.8%
<b>Total</b>	<b>40,555</b>	<b>100%</b>
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017		

A short video explaining the highlights of the profile is available on the website at this link:

<https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

## **Housing Opportunities and Constraints**

As part of the Opportunities and Constraints Analysis, the City must identify potential constraints to housing development such as:

- 1) Government regulation including zoning and development standards as well as local initiatives like Measure Y;
- 2) Protected land or unsuitable land (e.g. land with protected habitat, land within the airport vicinity, land with environmental conditions of concern, and land otherwise physically unsuitable for residential development; and,
- 3) Land value and housing construction costs.

The discussion is divided into non-governmental constraints and governmental constraints, though the feasibility and likelihood of housing development are affected by a combination and synergies between both.

In addition, resources and opportunities for promoting housing are identified. These opportunities include potential programs to encourage affordable housing (e.g., density

bonus laws, an inclusionary housing ordinance, and CDBG, HOME grant funds, and other funding sources which may be used to fund local housing programs). In addition, potential areas or “opportunity sites” for housing development are identified based on land suitability and feasibility of housing development within the 8-year Housing Element cycle.

### Non-Governmental Constraints - Land and Construction Cost

Nongovernmental constraints such as availability and cost of land, housing demand, financing, construction and labor cost largely affect the cost of housing and can produce barriers to housing production and affordability. These constraints can make it challenging for developers to build housing, and especially affordable housing. Although Housing Element policies and programs cannot directly affect these market factors, it aims to mitigate these external factors through the creation of land use policies that encourage housing development and make housing available at affordable rates.

### Governmental Constraints – Local Regulations and Process

In addition to market conditions and constraints, local factors affect the cost, price and feasibility of housing development and affordable housing. Regulations related to environmental review, zoning, development standards, building codes, and similar regulations could have significant impacts on housing cost and availability. While the City has no control over State and Federal Laws, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the development and improvement of housing stock and can be addressed by local programs.

#### *Local Land Use Constraints*

The Housing Element evaluates the effects of current land use regulations such as overlay zones, height and density restrictions, parking standards, Floor Area Ratios and trip budgets on housing development. Although regulations and development standards are a part of the development environment in every community and are important to maintaining a well-planned compatible community plan, such regulations may become a constraint when the cumulative regulatory environment places an undue burden and thus has the unintended consequence of discouraging development.

The discussion with major landowners and developers as part of the Outreach Program indicated the following major factors in development decisions:

- a. Certainty in the entitlement process in the form of by-right development with clear codified development standards and requirements encourages investment;
- b. Any requirement to place certain development projects on the local ballot for a vote (e.g. Measure Y) discourages investment;
- c. A comprehensive and readily accessible list of City-wide development fees is desired;
- d. Streamlined processing is preferred;

- e. The need to allow for higher residential densities, depending on product types and in appropriate locations (for example, 100 du/acre north of 405 Freeway may be appropriate while 20 to 40 du/acre may be appropriate on the Westside); and,
- f. Flexible parking standards to match parking demand especially for larger residential complexes is desirable;

### *Measure Y*

Measure Y requires voter approval of development projects that meet certain thresholds. In general, projects that require a General Plan Amendment, Specific Plan Amendment or Zone Change and add 40 units or more, or 10,000 square feet of new building area, or meet other specified criteria would be subject to voter approval under Measure Y. In effect, Measure Y locks in land use plans and regulations as of 2016 and limits the City's ability to modify those plans to respond to a changing market or changed conditions without triggering a vote of the City's electorate.

Of the 34 cities in Orange County, there are only a few cities that require certain housing development projects be subject to voter approval. While it may appear that this was the precise intent of Measure Y, it is also possible that the actual effects of Measure Y on future development may be more impactful than originally intended. Experience has shown such ballot measures often stall most housing development in host cities.

Given that the allowable density in the City's base residential zoning districts is a maximum of 20 dwelling units per acre (du/acre) (with some higher densities allowed in overlays, urban plans and specific plans) and given that the State's default density assumption for when the market can begin to produce affordable housing is 30 du/acre, it is clear that modifications to the City's General Plan, zoning, and specific plans will be necessary in order to plan for additional housing to meet the City's RHNA allocation and particularly affordable housing.

On May 26, 2020, following the closure of most retail and restaurant establishments and a struggling hospitality industry due to the COVID-19 pandemic and other economic factors including the rise of online shopping and commercial vacancies along major corridors, the City Council voted to explore the formation of a Citizens Advisory Committee with the goal of seeking opportunities to further economic development through potential amendments to Measure Y and to return to the City Council with a recommendation. In addition, at the last Study Session on March 23, 2021, the City Council requested the City Attorney's Office prepare a memo indicating the implications of Measure Y and its applicability to affordable housing projects. These items are addressed in the Next Steps section of this report.

### *Infrastructure Constraints and Safety Evaluation*

Potential opportunity sites are being evaluated at a high level in regards to infrastructure constraints, particularly with regard to local hazards such as flood zones, airport safety, unstable slopes, emergency services and infrastructure constraints such as sufficient water and sewer supply/capacity and storm drain systems. Future community planning and visioning efforts will consider emergency services, infrastructure, and community needs at a more focused level as post-Housing Element site-specific planning occurs.

## Opportunities

### *Inclusionary Housing Ordinance*

For the 2014 to 2021 Housing Element planning period (5<sup>th</sup> cycle RHNA), nearly 1,200 housing units have been permitted or constructed, with only 39 falling into affordable categories. One approach to address existing constraints to affordable housing is the adoption of an Inclusionary Housing Ordinance. Presently staff is working with a consultant on a financial evaluation of an Inclusionary Housing program, which will balance the need to provide affordable housing with the need to maintain responsiveness to housing market conditions such that inclusionary requirements do not inadvertently disincentivize new housing. The financial evaluation will include recommended policies for both for sale and rental housing projects. The evaluation of a potential Inclusionary Housing program for the City is underway and can be included in the City's Housing Element policy program.

### *Density Bonus Laws*

Density Bonus Law has been used for more than 40 years to allow higher densities over base allowable densities in exchange for providing affordable housing. Density Bonus is a State law intended to encourage developers to incorporate affordable units within a residential project in exchange for density bonuses and relief from other base development standards. Effective as of January 1, 2021, Assembly Bill 2345 amends the Density Bonus Law to expand and enhance development incentives for projects with affordable and senior housing components. AB 2345 is modeled after the City of San Diego's Affordable Homes Bonus Program.

Prior to 2021, the Density Bonus Law permitted a maximum density bonus of thirty-five percent for a housing development in which (a) at least eleven percent (11%) of the total units are for very low income households, (b) at least twenty percent (20%) of the total units are for low income households, or (c) at least forty percent (40%) of the total for-sale units are for moderate income households.

AB 2345 amends the Density Bonus Law to increase the maximum density bonus from thirty-five percent to fifty percent. To be eligible for the maximum bonus, a project must set aside at least fifteen percent (15%) of total units for very low income households, twenty-four percent (24%) of total units for low income households, or forty-four percent (44%) of for-sale units for

moderate income households. Levels of bonus density between thirty-five percent (35%) and fifty percent (50%) are granted on a sliding scale.

In addition, the Density Bonus Law provides that, if requested by a developer, the City must use the state-mandated parking ratios (inclusive of accessible parking and guest parking) for qualifying projects. AB 2345 amends these parking ratios to decrease requirements for two and three bedroom units, as shown in the table below.

<b>Table 3 - Maximum Required Parking Per AB 2345</b>	
Rooms	Number Required
Studio/one Bedroom	1 Space
2 and 3 Bedrooms	2 spaces → 1.5 space
4 Bedrooms	2.5 spaces

Since there have not been any density bonus applications in recent years, the City could include policies to promote and incentivize density bonus projects as a tool for affordable housing development.

#### *Streamlined Application Processing/ Review of Development Standards*

The City should evaluate its planning application review process and determine what refinements could be made to streamline applications without jeopardizing consideration of contextual impacts of a project. For example, three-story projects are only allowed in urban plan overlays or through a master plan approval. However, if specific development standards and design guidelines could be codified to address any potential interface issues for small and medium size projects, the City could streamline the project and save processing time and reduce costs for smaller local developers. In addition, the City should evaluate its development standards to ensure they remain appropriate for today's market and development context. For example, residential parking requirements have not been studied or modified in many years and should be "right-sized" for current housing types and housing goals.

#### *Housing Programs*

Following dissolution of the Redevelopment Agency in 2012 and the wind down of redevelopment assets by the Successor Agency (i.e. Housing Authority), the City's resources for housing programs were reduced to an administration function for limited state and federal grant dollars only (like CDBG and HOME dollars). The City currently administers a HUD-funded Single Family Residential housing rehabilitation grant and loan program (assists approximately 20 homeowners per year) and a CalHOME loan program to assist homeowners to address building safety and property maintenance issues (maximum of two loans at a time, depending on funding). The City Council has in recent years indicated renewed interest in housing programs and could include a policy to evaluate and potentially allocate additional resources toward new housing programs.

### *Co-living/Efficiency Units*

The zoning code does not explicitly allow for co-living housing types. Co-living refers to a housing type whereby individual living spaces with small footprints and limited personal amenities are provided, coupled with highly amenitized common kitchen and community facilities that are shared. Staff has received inquiries regarding allowing for such housing types in rehabilitated commercial spaces, catering to both a younger demographic as well as a senior demographic. Allowing for such uses could provide an opportunity for a new creative housing type that is likely to be more affordable due to the small footprint of the individual living areas. In addition, evaluating the effectiveness of existing policies intended to encourage motel conversions into efficiency units could be included as a housing policy.

### *Accessory Dwelling Units (ADU's)*

The City recently updated its ADU Ordinance to comply with State law, establishing standards that encourage construction of compatible ADUs within existing neighborhoods. ADU's can range from an attached 150-square-foot efficiency unit to a detached 1,200 square foot ADU (depending on configuration). ADU's provide an opportunity to increase housing stock, and smaller ADU's will likely fall within affordable categories thereby increasing affordable housing opportunities.

ADU's are a part of the City's overall housing strategy to meet its RHNA allocation, as shown in the opportunity sites section of this report. Between 2018 and 2020 when the City adopted its first ordinance specific to ADU's, the City permitted and finalized 29 ADU's (the majority of which were completed in 2020). However, based on the City's new ADU ordinance which allows for an ADU on single family and multifamily properties in compliance with State law), staff is projecting an increase in ADU construction compared to past trends and we anticipate the trend will continue over the next few years as residents become more familiar with ADU's. As such, staff projects over 850 new ADU units over the planning period (with nearly 600 projected to fall within low and very-low income categories). In addition, the City could include as part of its Housing Element a program for education, outreach and informational materials, as well as the potential to offer pre-approved/permit ready ADU plans.

### *Evaluation of Existing Overlays, Specific Plans, and Urban Plans*

Many of the City's urban plans and overlays were developed in 2006 to incentivize housing development but have not been substantially amended since. Since 2006, 604 units have been developed in Urban Plan areas and 200 units have been built in overlay areas over the last 15 years. Re-evaluation of these plans as to their effectiveness and appropriateness given changed market conditions, updated housing goals, while also addressing concerns regarding family dislocation is warranted. Updating the City's existing plans (while identifying new potential areas for compatible housing development) is a fundamental part of the City's overall housing strategy to meet its RHNA allocation, as discussed in the Opportunity Sites section of this report.

## Site Inventory/ Opportunity Sites

The following section discusses the required Housing Element components that need to be addressed within the site suitability analysis and for the selection of opportunity sites:

- 1) Site analysis guidelines
  - a. Realistic redevelopment potential in the 8-year planning period
  - b. No net loss regulations
  - c. Guidance regarding selecting housing opportunity sites between ½-acre and 10 acres in size (AB 1397 guidance)
  - d. Fair housing and housing options
2. Sites recommended per the City's outreach process and community feedback
  - a. Community Outreach (sites recommended based on public workshops/survey)
  - b. Subarea Walkthrough and site strategies (District Meetings)
  - c. Subject Matter Expert meetings and major landowners
  - d. Accessory Dwelling Units (assumptions based on SCAG's study vs. a more aggressive approach)
3. Site density assumptions based on City's affordability assumptions (City's potential inclusionary housing ordinance and diverse housing types/density examples)

### Community Feedback Related to Site Selection

At a fundamental level, community feedback provided through the community survey and outreach meetings provided the basis for focus areas and site selection. Initially, a community survey was made available on the website from December to February with questions relative to housing needs and potential sites. The City received 465 survey responses in English and 18 in Spanish. The responses helped to determine approximate locations for new housing and the desired housing types from the community's standpoint. The results of the surveys were included with the March 23, 2021 Study Session Report and available at these links:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-2.pdf>

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-3.pdf>

At the district specific meetings, staff and the consultant used neighborhood district maps and community discussions to focus on candidate housing sites within each Council district; and, finally, the Subject Matter Expert meetings with the home builders, advocacy groups and homeless services providers offered more specific direction in terms of programs and policies that could assist the City in meeting its housing goals.

The following comments were received from the public through the surveys and the outreach meetings:

- Under housing options, older shopping centers, City owned properties, and housing along major streets were the top three options
- ADUs were identified as an important housing option
- Participants of the District Meetings and other outreach meetings emphasized the following criteria for site selection:
  - Consider impacts of traffic
  - Consider locations of existing neighborhoods
  - Consider proximity to open space
  - Consider industrial areas (for example, along Logan Ave/Airport Area/Westside Costa Mesa) and along major corridors (for example, Bristol Street/Harbor Avenue/Newport Boulevard)
  - Complementary mixed-use or live-work on smaller commercial corridors like 19<sup>th</sup> Street and 17<sup>th</sup> Street
  - Potential for housing north of the 405 Freeway
  - Potential for housing at Fairview Development Center
  - Diversity between renter and ownership opportunities
  - Evaluate existing overlays, urban plans, specific plans for community goals/effectiveness and to avoid overconcentration of dense housing only on the Westside
  - Need to address the missing middle housing and plan for “gentle density”
  - Walkability of neighborhoods to other land uses

While these discussions have provided a framework for site selection, additional discussions with property owners will be necessary to ensure potential sites are feasible. Recently, the Housing Element team has connected with a group of local church leaders led by Trellis who are interested in the option to develop housing at church sites; therefore, staff will be contacting them and evaluating this possibility further as well.

#### Site Analysis Guidelines

State law requires the City to identify adequate sites to accommodate its fair share allocation for the 6th Cycle Housing Element. Staff has identified a variety of candidate sites through extensive analysis considering site size, viability of the current land use, vacancy rates, and property owner interest. City Council and Planning Commission feedback as well as public input provided through study sessions, townhalls, subject matter meetings and in discussions with major landowners were also considered.

The City is required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the 8-year planning period. If those sites are instead developed for market rate housing or non-residential land uses, the City may eventually trigger the “No Net Loss” provision of State law and will need to identify additional sites to accommodate the unmet need. As such, although densities are not established by the Housing Element

Update (rather the Housing Element estimates densities for purposes of establishing whether the City has demonstrated sufficient potential sites and capacity for housing), it is important that density assumptions are conservative and in the “ballpark”.

### *Density and Site Selection*

The site selection process goes hand in hand with the identification of potential densities. While a higher density project may be appropriate north of the 405-Freeway (where high quality apartment communities like 580 Anton, Halcyon, Enclave and the Lakes are already developed at densities up to 125 du/acre), a lower or mid-range density is more appropriate on the Westside or on 17<sup>th</sup> Street because of the smaller sites, existing fabric of the neighborhood and the circulation pattern. In general, larger sites can accommodate more density because the interface with the adjacent community can be better designed with smart site planning, deeper setbacks, and multiple access points. The site selection strategies analyze the potential for housing in various neighborhoods and appropriate compatible densities to address housing growth. Once general housing opportunity locations are identified, planning for appropriate densities and context-sensitive design become the next steps to ensure projects are designed to complement and enhance neighborhoods.

### Potential Housing Opportunity Areas and Strategies

The following includes a high-level description of opportunity areas and the density and affordability assumptions being considered to meet RHNA requirements. The background information on each of these potential strategies is included as Attachment 2 and a preliminary map is provided as Attachment 3. Staff is evaluating the feasibility of parcels shown, therefore this map may change over time and prior to the final Housing Element. Staff is reaching out to the owner of each property identified in the Housing Element with an explanation and an opportunity for discussion before the Housing Element is finalized.

Potential Housing Opportunity Areas		
Site/Strategy	Current	Site Area Identified
<b>Fairview Developmental Center</b>	<b>Size:</b> 102 acres <b>Density:</b> Up to 40 du/ac <b>Potential Units:</b> 535	<b>Density Proposed:</b> 60 du/ac <b>Potential Units:</b> 1,500 – 2,500
<b>ADUs</b>	ADUs are allowed on single family and multifamily properties.	<b>Potential Units:</b> 858 units
<b>North Costa Mesa Specific Plan</b>	<b>Size:</b> 37 acres <b>Density:</b> 30-100 du/ac <b>Potential Units:</b> 535	Approximately 20 parcels <b>Density Proposed:</b> 80-90 du/ac <b>Potential Units:</b> 11,750 – 12,500
<b>Newport Blvd Specific Plan</b>	<b>Size:</b> 68 acres <b>Density:</b> 20 du/ac <b>Potential Units:</b> 159	Approximately 20 parcels <b>Density Proposed:</b> 50 du/ac <b>Potential Units:</b> 925

<b>SoBECA Plan</b>	<b>Size:</b> 32 acres <b>Density:</b> 40 du/ac <b>Potential Units:</b> 450	Approximately 18 parcels <b>Density Proposed:</b> 60 du/ac <b>Potential Units:</b> 771
<b>Residential Incentive Overlay</b>	<b>Size:</b> 12 acres <b>Density:</b> 30 du/ac <b>Potential Units:</b> 360	24 parcels identified <b>Density Proposed:</b> 50 du/ac <b>Potential Units:</b> 1,101
<b>Harbor Blvd. Mixed Use Overlay</b>	<b>Size:</b> 24.5 acres <b>Density:</b> 40 du/ac <b>Potential Units:</b> 491	Approximately 25 parcels <b>Density Proposed:</b> 50 du/ac <b>Potential Units:</b> 1,376
<b>Mesa West Residential Ownership Overlay</b>	<b>Size:</b> 129 acres <b>Density:</b> 20 du/ac <b>Potential Units:</b> 282 remaining	Propose to remove.
<b>19 West Urban Plan</b>	<b>Size:</b> 129 acres <b>Density:</b> 20 du/ac <b>Potential Units:</b> 282 remaining	Approximately 15 parcels <b>Density Proposed:</b> 50 du/ac <b>Potential Units:</b> 771
<b>Mesa West Bluffs Urban Plan</b>	<b>Size:</b> 277 acres <b>Density:</b> 20 du/ac <b>Potential Units:</b> 562 remaining	Approximately 43 parcels <b>Density Proposed:</b> 40 du/ac <b>Potential Units:</b> 2,090
<b>17<sup>th</sup> Street East</b>	Residential not currently permitted.	Approximately 9 parcels <b>Density Proposed:</b> 60 du/ac <b>Potential Units:</b> 263
<b>Airport Area</b>	Residential not currently permitted.	Approximately 8 parcels <b>Density Proposed:</b> 80 du/ac <b>Potential Units:</b> 844
<b>Church Properties</b>	Residential not currently anticipated.	Approximately 5 parcels <b>Density Proposed:</b> 10 - 30 du/ac <b>Potential Units:</b> 129 (all assumed to be affordable at low/very low level)

Staff is seeking feedback as to the City Council's interest in pursuing the housing opportunity areas listed above.

### *Fair Housing and Housing Options*

AB 686 creates new requirements for all state and local agencies to ensure that their laws, programs and activities affirmatively further fair housing, and that they take no action inconsistent with this obligation. Beginning January 1, 2019, all housing elements must now include a program that promotes and affirmatively furthers fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law.

The diversity of household types would need to be addressed with accommodating a variety of housing types such as for sale and rental housing, multi-generational housing, transitional housing and housing in proximity to transit. In consideration of future housing needs, the City will need to select a combination of housing opportunity sites capable of supporting a variety of housing types. While a large multi-acre site may be suitable for a higher density apartment complex with on-site amenities (typically developed by large housing developers), smaller lots could be zoned for walk up apartments and condominium units that could be developed at smaller scale by the local housing developers.

### **Future Community Planning and Visioning Efforts**

The main intent of the Housing Element is to address RHNA by showing *potential capacity* for housing and identification of a high level housing strategy using goals, policies and programs, to be implemented over the 8-year planning cycle. Implementation of the Housing Element's goals, policies and housing programs will require future General Plan Amendments and rezoning actions which will be accompanied by ongoing in-depth community outreach and visioning exercises. Community visioning is critical to neighborhood planning and necessary to envision how housing opportunity areas identified in a Housing Element will translate into well-designed, high quality, compatible housing projects that fit into the context of their surroundings. Staff have already secured \$500,000 in LEAP grant funds to pursue these efforts and will launch those programs following Housing Element adoption as the next step in a larger community conversation surrounding housing in Costa Mesa.

### **Next Steps**


Following this joint study session, staff will complete the opportunities and constraints analysis and sites analysis, and will prepare the draft goals, policies and housing programs section of the Housing Element based on Council and Planning Commission feedback. Staff will provide the complete preliminary draft Housing Element to the City Council and may schedule a third study session in May if needed.

Concurrently, staff will move ahead with exploring the creation of a Citizen Advisory Committee to discuss Measure Y. The City Attorney's Office is also preparing a memo regarding Measure Y, which will be forwarded to the City Council as requested. In addition, staff will re-engage the State along with the Council Ad Hoc Committee regarding the future of the Fairview Development Center.

Following Council feedback, the preliminary draft will be revised and prepared as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period and submitted to State HCD for a 60-day review period. Following any revisions based on feedback, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

## **CONCLUSION:**

Identification of opportunities and constraints and housing opportunity sites are critical steps in the Housing Element Update. Staff is seeking input on the proposed opportunity sites and recommended densities to finalize this step. Staff is also seeking initial feedback regarding the Council's high-level housing goals, in light of the Community Profile, as well as constraints inherent with Measure Y as discussed in this report.

  
**MINOO ASHABI**  
Principal Planner

  
**JENNIFER LE**  
Director of Economic & Development  
Services

## **ATTACHMENTS:**

1. [Community Profile \(Final Draft\)](#)
2. [Housing Opportunity Areas Summary](#)
3. [Map of Potential Housing Opportunity Areas](#)

**April 27, 2021 City Council Joint Study Session****Attachment 2 – Housing Opportunity Areas Summary****1) Accessory Dwelling Units**

<b>Current Plan Summary</b>	<b>Proposed Revisions/Notes</b>
<ul style="list-style-type: none"> <li>The City does not currently have an anticipated annual ADU development. Since 2018, 29 ADUs have been permitted and constructed.</li> </ul>	<ul style="list-style-type: none"> <li>The City anticipates that approximately 858 ADUs will be developed within the 8-year planning period based on the recently adopted ADU ordinance and recent changes to State law which promote the development of ADUs. The City will also explore programs as part of the Housing to promote ADU development.</li> </ul>

**2) Fairview Developmental Center**

<b>Current Plan Summary</b>	<b>Proposed Revisions/Notes</b>
<ul style="list-style-type: none"> <li>Owned by the State of California Costa Mesa has included Fairview Developmental Center in previous Housing</li> </ul>	<ul style="list-style-type: none"> <li>Actively pursue an agreement with the State of California for the development of housing at the site</li> <li>Due to the ownership nature, the City assumes that it may be possible to develop more than 17.5% of the units at the very low/low income levels</li> </ul>

**3) North Costa Mesa Specific Plan**

<b>Current Plan Summary</b>	<b>Proposed Revisions/ Notes</b>
<ul style="list-style-type: none"> <li>Adopted in 1994, amended frequently through 2016</li> <li>Existing Specific Plan consisting of a range of permitted land uses, including single family through high density residential uses</li> <li>Densities range from 8 – 35 du/ac, though up to 100 du/ac is</li> </ul>	<ul style="list-style-type: none"> <li>Amend the plan boundary to include additional parcels west of Harbor Blvd</li> <li>Propose to amend some land use designations to allow up to 100 du/ac (The Housing Element assumes between 80 and 90 du/ac for planning purposes)</li> </ul>

permitted in the South Coast Metro Center (Area 6)	
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#### 4) Newport Boulevard Specific Plan

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> <li>Intended to spur residential development in place of commercial uses along Newport Blvd. as new roadways moved traffic from Newport Boulevard to other areas within the City</li> </ul>	<ul style="list-style-type: none"> <li>Expand the boundary beyond 19<sup>th</sup> to include additional parcels</li> <li>Propose to increase density up to 50 du/ac directly adjacent to Newport Boulevard</li> </ul>

#### 5) Residential Incentive Overlay

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> <li>Intended to create new housing opportunities for residential development at strategic locations along Harbor and Newport Boulevard</li> <li>Overlay that adds additional entitlement capabilities to the base zoning</li> </ul>	<ul style="list-style-type: none"> <li>Expand area to potentially include some of the land previously in the Residential Ownership Overlay</li> <li>Propose to increase density up to 50 du/ac</li> </ul>

#### 6) Harbor Blvd. Mixed-Use Overlay

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> <li>Applies to select areas along Harbor Boulevard between Wilson Street and 19<sup>th</sup> Street</li> <li>Intent is to introduce a diverse mix of uses with the objective of creating a more integrated, walkable, and complementary balance of uses</li> </ul>	<ul style="list-style-type: none"> <li>Propose residential development be allowed in a mixed-use context up to 50 du/ac with horizontal mixed-use along the Harbor corridor encouraged</li> <li>Propose to extend the northern boundary up to the 405 freeway</li> </ul>

## 7) 19 West Urban Plan

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> <li>Adopted April 2006</li> <li>Intended to encourage a mix of uses, including commercial and residential, along 19<sup>th</sup> Street west of Newport Blvd.</li> <li>Encourage the design and development of urban residential structures</li> <li>Has not resulted in much residential development in this area to date</li> </ul>	<ul style="list-style-type: none"> <li>Propose to increase density up to 50 du/ac</li> <li>Promote horizontal mixed-use along this corridor as well as vertical mixed-use</li> </ul>

## 8) Mesa West Bluffs Urban Plan

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> <li>Adopted April 2006</li> <li>Objective to encourage development of live/work units, stimulate improvement in the area, and meet demand for a new housing type</li> <li>Some residential development has occurred within the area since adoption of the plan</li> </ul>	<ul style="list-style-type: none"> <li>Propose to expand the area to potentially include some of the land previously in the Residential Ownership Overlay</li> <li>Propose to increase density to 40 du/ac</li> </ul>

## 9) 17<sup>th</sup> Street – East

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> <li>This area does not currently permit residential development</li> </ul>	<ul style="list-style-type: none"> <li>Area currently experiencing a commercial resurgence</li> <li>City anticipates crafting development standards within this overlay which would promote either a vertical or horizontal mixed-use setting with the intent of supplementing the commercial</li> </ul>

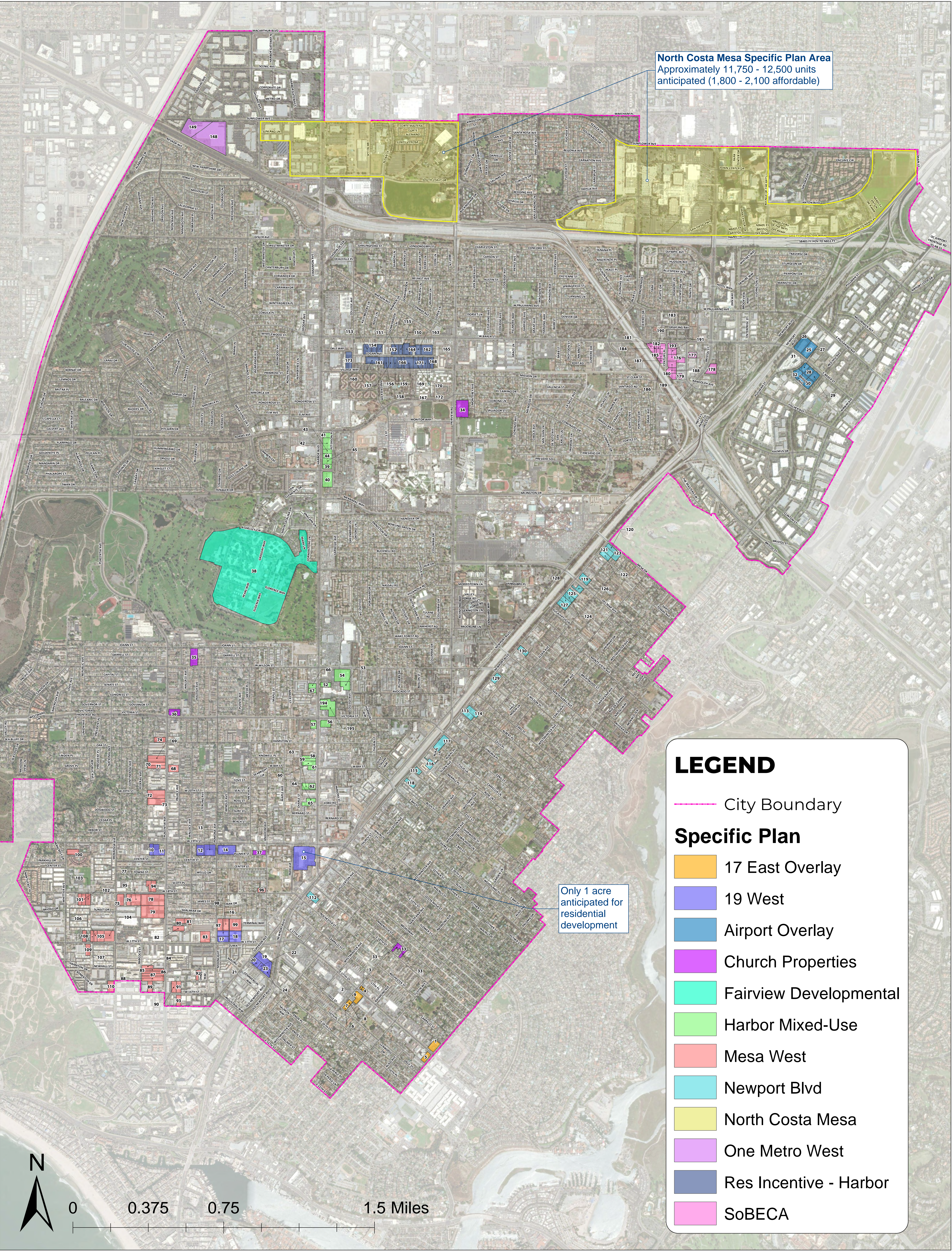
	<p>development through additional users and a more walkable area</p> <ul style="list-style-type: none"> <li>• Propose the addition of residential uses which may be developed up to 60 du/ac</li> </ul>
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## 10) Airport Area

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> <li>• This area does not currently permit residential development</li> </ul>	<ul style="list-style-type: none"> <li>• Propose to add residential uses at densities up to 80 du/ac adjacent to Baker Block, outside of the John Wayne Airport noise contour area</li> </ul>

## Sites Considered but Not Included

- Civic Center Park – City owned open space
- Portions of OC Fairgrounds – State DAA Owned





## C.9 Virtual Townhall Meeting #2

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at [www.costamesaca.gov/housing-element-update](http://www.costamesaca.gov/housing-element-update).

## Townhall Meeting #2 Summary

The City of Costa Mesa held a virtual public community workshop in Spanish and English for the 2021-2029, 6th Cycle Housing Element Update on Thursday September 2, 2021. The intent of the workshop was to provide information on the Public Review Draft Housing Element and to gather feedback from the public on proposed housing sites and policy programs. The workshop had a total of 69 participants in the English workshop and 7 participants in the Spanish workshop.

The workshop included a PowerPoint presentation providing information on the following topics:

- The Housing Element Update Process
- Summary of the City's RHNA allocation
- Community Engagement Efforts
- Housing Element Strategy
- Overview of Proposed Housing Programs
- Community Conversation
- Breakout Group #1: Candidate Housing Sites Analysis
- Breakout Discussion #2: Housing Goals, Policies, and Programs

### Summary of Community Questions and Comments

Following the presentation, the City provided time for open questions from the public regarding the Housing Element. Questions and comments from the attendees included the following:

- This has been a great process so far with the diligence by the city. I'm excited to see more housing opportunities for folks in our community!
- Was the safe harbor formula not used to have a more realistic estimation of ADU's that could be built?
- What programs would make sure that the built ADU's would be units for Lower income families?
- Can you discuss why the city didn't follow HCD guidance and model practice when using inventory sites in a housing element to discount those sites with a probability of being developed during the cycle?
- HCD will treat the proportion of parcels in the previous housing element that were developed during the previous planning period as the presumptive probability of development for current inventory sites.
- In Costa Mesa that is not feasible since the prior cycle the city only had an RHNA of a couple units. Recent state law requires stricter feasibility assessment for each site. City must comply.
- Nothing precludes the city from voluntarily assigning probabilities for a more accurate plan <https://www.lewis.ucla.edu/research/what-gets-built-on-sites-that-cities-make-available-for-housing/>
- More housing, more neighbors, less housing burdened people makes for a more fun/lively city. Legalize all types of housing.
- Build more bike lanes so people have options other than a car for local trips!
- What is the city's plan to incorporate local control measures SB 9 and SB 10? Is the city going to incorporate these bills in the housing element or address them in the manner that ADU legalization was handled?
- Publish the incentives: developer competition encourages affordability

- The area on 17th street and Newport Blvd. is on the way to the beach. I have a difficult time understanding how that's a valid census.
- OC has vast, world class water recycling programs that turn wastewater into potable water local supplies.

A video of the full presentation and PowerPoint, including public comments, are available on the City's Housing Element Update webpage: <http://www.costamesaca.gov/housing-element-update>.

### Whiteboard Activity

During the workshop the City conducted a community activity to further engage participants.

#### Candidate Sites

Participants were asked to share their thoughts on opportunities areas in the City as well as Accessory Dwelling Units (ADUs). The majority of participants were familiar with the high cost of housing and felt there is currently enough housing in the City. In each breakout room participants discussed the following topics:

- Short discussion on why the CEQA analysis may differ a bit from the Housing Element and why the list is smaller than previously shown.
- Are there any areas within the City which should be given further consideration?
- Are there resources which the City can provide to make it easier for those who wish to develop Accessory Dwelling Units?
- Are there any questions we did not cover relating to the Candidate Housing Sites Strategy the City has proposed as part of the draft Housing Element?

Comments and Questions on Candidate Sites
<b>Opportunity Sites</b>
Quality of life is what we're looking for – congestion and traffic concerns with sites
5% or 10% for inclusionary housing ordinance
Concerned about wording in the Housing Element
Need an overall visioning process for the City – need a unified urban plan
Questions on affordability categories
Concerned about the language being used in the document – models currently being used is 10% affordability
Pretty significant changes
Quality of life – members of the community should benefit from the programs
Data check affordability – overburdening
Nothing within motel conversion proves to look at what percentages are made
Consider infrastructure first – look at both sides of the coin, all types of housing development
Densities we have now make the community – you can get anything in Costa Mesa
Attach entire census tract near Newport Blvd. and 17 <sup>th</sup> St. census tract
<b>Accessory Dwelling Units (ADUs)</b>
What were the assumptions made?

### Housing Plan

Participants were asked to share their thoughts on the Housing Element's goals. In each breakout room participants discussed the following topics:

- Quick overview of the City's overall housing goals.
- Are there any questions on the purpose of the Housing Plan section within the Housing Element?
- Do you believe there are groups who may have special housing needs that are not represented within this plan?
- Are you aware of any funding sources the City can explore further to implement these programs or promote the development of future housing?
- Are there any questions we did not cover relating to the City's proposed Housing Plan?

<b>Comments and Questions on the Housing Plan</b>
Incentives to developers
DDA Census tract areas – find ways to take advantage of tax credits – target housing towards areas with federal funding
More effectively advertise incentives that exist
Water needs
Geographic distribution of identified capacity
Local workforce
How will infrastructure accommodate this proposed capacity?
Small parcels and high cost
Make sure more housing happens – young professions
Housing for all ages and incomes
Look for opportunities to do more
What is the city's plan to incorporate local control measures SB 9 and SB 10? Is there housing element going to address them in the same manner as ADUs?
Coordination with adjacent cities
Inclusionary housing ordinance – consider implementing faster
SRO and congregate living options
Opportunity zones – address traffic and transportation needs
Communicate opportunities – publish the incentives: developer competition encourages affordability
More specifics on constraints of Measure Y
Low-income Housing Tax Credits (LIHTC) and New Market Tax Credits (NMTC) bring our federal tax dollars to our community to benefit low-income community members
Conversion of commercial/retail to housing opportunities
ADU income restrictions – multigenerational housing
How to encourage ADUs to be affordable?
How will monitoring of ADU affordability and production be implemented?
Lot size restrictions for ADUs
Are ADUs allowed in every neighborhood? Do neighbors have anything to say about one on adjacent property?
West side of 19 <sup>th</sup> St. supermarkets – address food deserts
Have conversations with owners taken place?
Development agreements on identified sites
Set aside affordable housing requirements



## C.10 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the September 13, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://costamesa.legistar.com/View.ashx?M=PA&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6>

Public Comments: <https://costamesa.legistar.com/View.ashx?M=E3&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6>



## City of Costa Mesa

### REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

#### Agenda

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**Monday, September 13, 2021**

**5:00 PM**

**City Council Chambers  
77 Fair Drive**

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#### **SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY SESSION**

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. The Governor's Executive Orders N-25-20 and N-29-20 suspend certain requirements of the Brown Act, and City Council Members, Commissioners, and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: All attendees are required to wear a face covering at all times while in the Council Chambers or City Hall. Please maximize spacing by utilizing all seating in the Chambers.
2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or [http://costamesa.granicus.com/player/camera/2?publish\\_id=10&redirect=true](http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true) and online at [youtube.com/costamesatv](https://www.youtube.com/costamesatv).

3. Zoom Webinar:

Please click the link below to join the webinar:

<https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 983 7639 0419/ Password: 905283

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone:

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press \*9 to add yourself to the queue and wait for city staff to announce your name/phone number and press \*6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a comment on a specific agenda item, may submit a written comment via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

5. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) NO LATER THAN 12:00 Noon on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM\_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

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**SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY  
SESSION**

**SEPTEMBER 13, 2021 – 5:00 P.M.**

**JOHN STEPHENS**  
Mayor

**MANUEL CHAVEZ**  
Council Member - District 4

**ANDREA MARR**  
Mayor Pro Tem - District 3

**JEFFREY HARLAN**  
Council Member - District 6

**LOREN GAMEROS**  
Council Member - District 2

**ARLIS REYNOLDS**  
Council Member - District 5

**DON HARPER**  
Council Member - District 1

**City Attorney**  
Kimberly Hall Barlow

**City Manager**  
Lori Ann Farrell Harrison

**BYRON DE ARAKAL**  
Chair

**JON ZICH**  
Vice Chair

**DIANNE RUSSELL**  
Planning Commissioner

**RUSSELL TOLER**  
Planning Commissioner

**ADAM ERETH**  
Planning Commissioner

**TARQUIN PREZIOSI**  
Assistant City Attorney

**JENNIFER LE**  
Director of Economic and  
Development Services

**CALL TO ORDER**

**ROLL CALL**

**NEW BUSINESS:**

PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT

**RECOMMENDATION:**

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

**Attachments:** [Draft Housing Element](#)  
[Revised densities for candidates sites \(545 & 575 Anton Blvd.\)](#)  
[Public Comments](#)

**ADJOURNMENT**



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

b File #: 21-375

Meeting Date: 9/13/2021

### TITLE:

**PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES**  
**DEPARTMENT/PLANNING DIVISION**

### PRESENTED BY:

**JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES**

**CONTACT INFORMATION:** [MINOO.ASHABI@COSTAMESACA.GOV](mailto:MINOO.ASHABI@COSTAMESACA.GOV)  
[<mailto:MINOO.ASHABI@COSTAMESACA.GOV>](mailto:MINOO.ASHABI@COSTAMESACA.GOV)

### RECOMMENDATION:

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

### BACKGROUND:

The basis of the 2021-2029 sixth cycle Housing Element Update is compliance with the State's Regional Housing Needs Assessment (RHNA) for the planning and zoning for additional housing units as allocated by the State and the Southern California Association of Governments (SCAG). The following table provides a breakdown of Costa Mesa's final RHNA allocation:

Table 1 - Final RHNA Allocation					
Income Category	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. - Max.		RHNA Allocation
Very Low Income	0-50% AMI	\$961 - \$1,281	--	\$64,050	2,919 units
Low Income	51-80% AMI	\$2,561	\$64,051	\$102,450	1,794 units
Moderate Income	81-120% AMI	\$3,090	\$102,451	\$123,600	2,088 units
Above Moderate Income	>120% AMI	>\$3,090	\$123,601	--	4,959 units
<b>Total</b>					<b>11,760 units</b>

During the past year and a half, the City has held several town hall meetings and study sessions

regarding the required Housing Element Update. Study sessions were previously held with the Planning Commission and City Council on March 1, 2021, March 23, 2021, and April 27, 2021. At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance with State Housing Element law, Costa Mesa's demographics and preliminary Community Profile data, a summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The September 13, 2021 study session is the fourth publicly noticed study session regarding the housing element update and process.

The staff reports and meeting videos for previous study sessions are available at the following links:

March 1, 2021 Planning Commission Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf>

Meeting Video:

[https://costamesa.granicus.com/player/clip/3670?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true)

March 23, 2021 City Council Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf>

Meeting Video:

[https://costamesa.granicus.com/player/clip/3697?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true)

April 27, 2021 City Council and Planning Commission Joint Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-04-27/Item-1.pdf>

Meeting Video:

[https://costamesa.granicus.com/player/clip/3710?view\\_id=10&redirect=true](https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true)

## **ANALYSIS:**

At the April 27, 2021 joint Planning Commission/City Council study session, a number of issues were discussed and feedback was received by the public, Planning Commission, and City Council. The purpose of the study session was to provide an opportunity for feedback on the proposed focus areas and corridors for potential housing and the housing opportunity sites and recommended densities within those corridors to finalize the City Council's high-level housing goals. The following is a summary of general comments received during the study session and how they have been addressed in the Public Review Draft Housing Element.

### *Planning Commission Comments:*

- 1) Consider 4-plex and 6-plex bungalows in single family neighborhoods since they maintain the same height and streetscape.
  - The 4-plex and 6-plex development types can integrate well with established low-density residential neighborhoods. Staff will continue to evaluate how such housing types may be incorporated into the City's planning and zoning codes. However, for Housing Element purposes, the State requires a minimum density of 30 du/acre to demonstrate compliance with RHNA requirements for the provision of housing in affordable categories. The incremental increase in housing in established single family neighborhoods will be addressed through ADU and JADUs and other incremental

changes.

- 2) Plans for housing should be integrated with more open space and consideration of the existing network of neighborhoods.
  - Open space and other development standards will be evaluated with the comprehensive zoning code and general plan updates following adoption of the Housing Element.
- 3) Encouraged removal of the Mesa West Residential Ownership urban plan.
  - The Draft Housing Element includes a program for the potential removal of this urban plan following Housing Element adoption.
- 4) Add residential units on the 17<sup>th</sup> Street corridor as mixed-use development and around the airport area as alternative housing sites.
  - The Draft Housing Element includes programs for further study of these corridors for potential housing opportunities. Even though specific sites in these areas are not identified as housing opportunity sites, the City could consider these locations as potential housing areas in the future.
- 5) The City should be proactive in its conversation with faith-based organizations for use of their properties for affordable housing.
  - Programs to continue the conversation with the faith-based community are included in the Draft Housing Element. Please refer to Program 3J.
- 6) Infrastructure studies (water, sewer, etc) should be considered in planning for additional housing units.
  - As part of the Housing Element Update, the City will prepare an environmental study that will include high-level studies related to infrastructure and public services at a program level. Additional more detailed studies would be undertaken as part of the zoning and General Plan Updates that would be necessary to implement the Housing Element programs.
- 7) Discussed a citizen advisory committee related to Measure Y.
  - Staff will be undertaking a larger community conversation about the necessity of a compliant Housing Element and the Measure Y process, which include formation of an advisory group. The City anticipates the General Plan and zoning changes necessary to implement the Housing Element will be subject to Measure Y.
- 8) Consideration should be given to environmental justice goals and affirmative fair housing related to air quality and quality of life with placement of housing along major freeways, near airports, etc.
  - Environmental justice and fair housing goals are incorporated into the fabric of the Housing Element and staff agrees these goals must be a part of future General Plan and zoning actions related to Housing Element implementation. The Draft Housing Element identifies housing opportunity sites along the 405 Freeway such as the Home Ranch and Sakioka sites. These sites are very large and would allow for site planning of mixed-use projects including housing and office use that would allow for site planning solutions including sufficient setbacks for residential units. No housing opportunity sites have been identified along the airport industrial area though staff have included a Housing Element Program to further study this potential.
- 9) With the potential for housing along Newport Boulevard, Harbor Boulevard and the 17<sup>th</sup> Street corridors, visioning for these areas and form based codes should be considered to provide flexibility in development while maintaining the streetscape and human scale of development.
  - Through public outreach and comments received from the City Council and Planning

Commission, staff recognizes that there is strong support in the community for developing a specific vision for each of the corridors as identified in the Draft Housing Element for future growth. Visioning exercises and the potential for form-based codes will be evaluated during the general plan and zoning changes that follow the Housing Element.

*City Council Comments:*

- 1) Is 850 ADUs in relation to the number of residential lots a realistic assumption?
  - The ADU assumptions are realistic based on the number of applications received in the first 6 months of 2021. The City has also experienced an uptick in the number of ADU proposals in multi-family sites that could lead to even more ADUs than anticipated.
- 2) The City should consider tracking ADU affordability and data on units occupied by family members.
  - Although there is not City specific data for ADU affordability rates, the Draft Housing Element uses the safe harbor assumptions resulting from SCAG a specific study of the Orange County area. The City could request information on anticipated rental prices or family member occupancy figures at the time of application. The Draft Housing Element recognizes that ADU programs will need to be monitored for effectiveness and includes this in Program 3L of the Housing Plan.
- 3) Understanding the reasons for Costa Mesa having the lowest number of housing development in the neighboring cities.
  - The City has experienced a decline in larger development applications in the past several years. Based on general feedback from the development community, this is could be due to the uncertainty introduced by Measure Y. However, smaller developments that are below the 40 dwelling unit threshold have been processed since 2016 including a 38-unit development on Newport Boulevard. The Draft Housing Element refers to Measure Y as a potential constraint for housing development and that a vote of the people will be required to fully implement the adopted housing element as drafted. Please refer to Chapter 4, Housing Plan, Program 3G.
- 4) Importance of communication with the public on data gathered and how the data is being incorporated.
  - The Draft Housing Element includes a comprehensive summary of all public meetings, town halls, surveys and individual submittals. Please refer to Appendix C of the Draft Housing Element.
- 5) Emphasize the importance of Community Profile and how it is used to formulate the housing plan such as the aging population and their housing needs.
  - The Community Profile includes detailed data on the population, housing and income levels. Based on this data, the housing programs and policies included in the Housing Element Update recognize the needs of seniors, large households and the affordability needs for various households. Although the Housing Element includes the opportunity sites and the programs to address housing needs, some of the incentive to develop these sites are market driven and may need to be adjusted at project level such as the mix of bedrooms in a development or universal design features, etc. Please refer to Section 4, Housing Plan Program 2D and 2E.
- 6) Integrate senior housing with the rest of the community to promote healthy aging.
  - The Draft Housing Element recognizes that specific features of co-housing and multi-

generational housing needs to be further studied and included in development standards and guidelines in the general plan and zoning code update. Please refer to Chapter 4, Housing Plan, Program 3E.

- 7) Consider public gathering spaces as much as open space in planning of housing developments.
  - The visioning exercises for specific corridors will include public open spaces and streetscapes studies appropriate for each neighborhood. This effort will be addressed with the General Plan and zoning code amendments following the Housing Element's adoption.
- 8) Keep studying the airport area as a potential housing opportunity area for younger professionals.
  - As directed by City Council, this area will be evaluated for potential housing opportunities. Coordination with the Airport Land Use Commission will be required. Please see Chapter 4, Housing Plan, Program 3H.
- 9) Housing units should include a variety of household types such as singles, single parent households and larger families.
  - The Draft Housing Element includes a comprehensive Community Profile that breaks down household types and their housing needs such as non-family households, which have increased in the past decade to more than 40 percent. Please refer to Chapter 4, Housing Plan, Program 3F.
- 10) Consider hotel/ motel conversion options and using available state funding for such.
  - The City will evaluate the potential benefits of motel conversion, co-living and efficiency housing options. Please refer to Chapter 4, Housing Plan, Program 3F.
- 11) Consider pre-approved ADU plans to incentivize ADU development.
  - The Draft Housing Element includes a program to promote development of ADUs such as permit ready plans, waiver or reduction of permit fees, expedited plan checks and exploring other funding options. Please refer to Chapter 4, Housing Plan, Program 3E.
- 12) Discuss housing development options with smaller developers and adjust programs and fees to accommodate large and small size developments.
  - This would require fee studies and additional analysis to formulate an objective basis for varying housing development types. Local developers have been involved in the outreach process and have stated timing and streamlining of project review as an opportunity to improve the development environment.

### ***Public Review Draft Housing Element***

Following the April 27, 2021 study session, staff and the City's expert housing consultants prepared the Public Review Draft Housing Element, incorporating feedback from the prior public town halls and study sessions. The Public Review Draft was posted online at the City's website on August 17, 2021 and hardcopies were available at City Hall, the Donald Dungan Library and the Mesa Verde Library. Approximately 40,000 flyers were mailed to Costa Mesa residents City-wide and the release was widely publicized via social media, community platforms and through local contacts with community organizations. Comments on the public review draft are being accepted through September 15, 2021.

As of the writing of this report, the City has received seven written comments via email and six online submissions. Public comments are provided as an attachment to this report and generally pertain to:

- the inclusion of the Chargers / The Hive site as a housing opportunity site;

- the inclusion of local hire requirements for development;
- new housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods;
- increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions;
- consider whether the Casa Bella Apartments should be listed as an “at risk” affordable housing development (i.e. an affordable housing project “at risk” of converting to market rate units); and
- consider how assisted living and group living are counted toward the City’s housing need.

### ***September 2, 2021 Town Hall Meeting***

Staff held a town hall meeting on September 2, 2021 to discuss and receive feedback regarding the Public Review Draft. The meetings were virtual and provided in English and Spanish. More than 60 individuals participated in the English language breakout room and six in the Spanish language breakout room.

Topics discussed at the town hall meeting included:

- the need for an inclusionary housing ordinance and requiring affordable housing in conjunction with added densities;
- consideration of potential quality of life impacts that may result from higher densities
- use of consistent data related to housing cost burden;
- options and incentives for development of Single Room Occupancies (SROs);
- number of ADUs assumed in the Draft Housing Element;
- consideration of reduced parking and setbacks to incentivize development;
- graphics that show comparison of existing and proposed densities on the identified housing opportunity corridors;
- use of federal monies to encourage higher density development as appropriate;
- affordable housing units assumed for the State-owned Fairview Developmental Center;
- assumptions regarding affordable housing on sites with Development Agreements; and
- consideration of the impacts of added housing units to sewer, water, traffic, other infrastructure and public services including police and fire services.

### ***Housing Element Guiding Principles***

Based on input from the community, local officials and business community, and with consideration of the State’s requirements, the City established four guiding principles that were referenced throughout the Housing Element Update process, which shaped the sites analysis process and development of the housing goals, programs, and policies. The guiding principles are rooted in community engagement and local knowledge as follows:

- The City will plan for responsible growth that is fitting for each of the unique areas within the City with the understanding that the different characteristics, even within districts, result in different housing needs and appropriate housing types.
- The City will engage the Costa Mesa community at multiple times throughout the Housing Element update to incorporate local knowledge and input into the planning process.

- The City will create a plan, which meets the local needs of the community as well as the requirements of the State Department of Housing and Community Development (HCD).
- The City will develop actionable policies and programs that address identified constraints within the community profile analysis.

Based on community feedback, the Housing Element identifies housing opportunity sites within “focus areas” and along major corridors in the City that are most suitable for potential future housing growth. These areas include:

- Area north of the 405 Freeway
- SoBECA
- Harbor Boulevard corridor
- Placentia Avenue corridor
- West 19<sup>th</sup> Street corridor
- Mesa West Bluffs area/ southern portion of Newport Boulevard

Within these corridors and areas, housing opportunity sites were identified for purposes of establishing compliance with RHNA, based on certain criteria.

### ***Housing Element Organization***

The Draft Housing Element represents the City’s policy program for the 2021-2029 6th Planning Period. The Draft Housing Element is comprised of the following Chapters:

- Chapter 1: The Introduction contains a summary of the content, organization and statutory considerations of the Housing Element;
- Chapter 2: Community Profile contains an analysis of the City’s population, household and employment base, and the characteristics of the housing stock;
- Chapter 3: Housing Constraints, Resources, and Fair Housing examines governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations; and
- Chapter 4: Policy Plan addresses Costa Mesa’s identified housing needs, including housing goals, policies, and programs.
- Appendices provide supplementary background resources including:
  - Appendix A - Review of Past Performance of 5th Cycle Programs
  - Appendix B - Summary of Adequate Sites Analysis
  - Appendix C - Summary of Outreach
  - Appendix D - Glossary of Housing Terms

### ***Chapter 1 - Introduction***

The Introduction covers the basics of Housing Element requirements and the related State requirements; includes a reference to all required sections of the Housing Element; and refers to the guiding principles that directed all chapters and the related data sources.

### ***Chapter 2 - Community Profile***

The Community Profile provides an analysis of the Costa Mesa population and housing stock for policy considerations within this Housing Element. The Costa Mesa community's housing needs are directly correlated to the demographic composition of the population and the conditions of existing housing within the City. The data analyzed in this Community Profile sets the baseline for the Housing Element goals, policies, and programs, which are uniquely adapted to fit the needs of Costa Mesa. The following tables include a few excerpts of the data and highlights specific characteristics of the Costa Mesa population, household types and income levels.

Table 2-4: Racial and Ethnic Composition, 2010-2018

Race/Ethnicity	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
White	72.3%	66.7%	71.6%	-5.6%	4.9%
Black	1.2%	1.6%	1.9%	0.4%	0.3%
American Indian and Alaska Native	0.4%	0.3%	0.4%	-0.1%	0.1%
Asian	9%	9%	8.4%	0%	-0.6%
Native Hawaiian or Other Pacific Islander	0.6%	0.5%	0.7%	-0.1%	0.2%
Some Other Race	14.1%	18.2%	13%	4.1%	-5.2%
Two or More Races	2.4%	3.6%	4%	1.2%	0.4%
Hispanic or Latino	34.2%	35.7%	36.1%	1.5%	0.4%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

Table 2-10: Changes in Household Types, 2010-2018

Household Types	2010	Percent	2015	Percent	2018	Percent
Married-couple Family Households	17,127	42.7%	17,039	41.7%	17,568	42.8%
Female Household, No Spouse Present	4,196	10.5%	4,746	11.6%	4,191	10.2%
Male Household, No Spouse Present	2,564	6.4%	2,371	5.8%	2,751	6.7%
Nonfamily Household	16,217	40.4%	16,752	41%	16,509	40.2%
<b>Total Households</b>	<b>40,104</b>	<b>100%</b>	<b>40,908</b>	<b>100%</b>	<b>41,019</b>	<b>100%</b>

Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2018.

Table 2-12: Households by Income Category, 2020		
Income Category (% of Orange County's AMFI)	No. of Households	Percent
Extremely Low (30% AMFI or less)	6,610	16.3%
Very Low (31 to 50% AMFI)	5,220	12.9%
Low (51 to 80% AMFI)	7,325	18.1%
Moderate or Above (over 80% AMFI)	21,405	52.8%
<b>Total</b>	<b>40,555</b>	<b>100%</b>
<i>Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.</i>		

For the full analysis of the population, income, household characteristics and housing needs, please refer to Chapter 2 of the Draft Housing Element.

Based on the data presented in Chapter 2, the City will need to consider the following findings in development of the housing programs and policies:

- The Costa Mesa population is showing aging trends - housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options.
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino - housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community.
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing (i.e. housing affordable to Costa Mesa households who earn 80% of the Orange County Area Median or AMI) and homeownership facilitation should be considered.
- Costa Mesa housing units experienced the lowest growth in the past decade in comparison to neighboring cities - the following section analyzes potential constraints, which may be playing a role in the slowing of residential development in Costa Mesa. If identified, housing goals should be considered which look to mitigate or eliminate those constraints.
- The majority of housing units in Costa Mesa were built over 30 years ago - households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities.

### *Chapter 3 - Housing Constraints, Resources and Fair Housing*

This section focuses on the variety of factors that could affect the number, type, and affordability of housing and the rate of housing development in a community including governmental housing constraints. Governmental constraints in Costa Mesa may include land use controls, residential development standards, development and permitting fees, and permitting processes, amongst other constraints. Nongovernmental constraints may include the cost of land, construction costs, including materials and labor, availability of financing, and the local economic conditions. These factors could incentivize or create barriers for the maintenance and addition of housing in Costa Mesa, and predominantly affordable housing. This section also identifies Measure Y as a potential constraint to implementation of a compliant Housing Element and the development of housing projects in Costa Mesa. The measure requires significant capital investment while introducing uncertainty for

investments due to uncertain election results regardless of the merits of any particular project.

#### *Chapter 4 - Housing Plan*

The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Costa Mesa Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs are drafted to further a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices while preserving the special character of Costa Mesa.

The following housing goals have been included in the Draft Housing Element Update:

- Housing Goal #1: Preservation, conservation, and enhancement of existing housing stock and residential neighborhoods within Costa Mesa.
- Housing Goal #2: Providing a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.
- Housing Goal #3: Identification of adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels.
- Housing Goal #4: Existing and future housing opportunities open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

Each one of the housing goals are implemented through housing programs which are actions the City commits to taking to implement its housing plan within specific timeframes over the 8-year Housing Element planning period. Highlights of the housing programs include:

- Program 2A - Inclusionary Housing Ordinance
- Program 2D - Senior Housing Options
- Program 2E - Housing Options for Large Family Households
- Program 3B - Fairview Development Center
- Program 3C - Update the North Costa Mesa Specific Plan
- Program 3D - Update the City's Urban Plans and Overlays
- Program 3E - Promote the Development of Accessory Dwelling Units
- Program 3F - Motel Conversions/Efficiency Units and Co-Living Housing Types
- Program 3G - Measure Y
- Other programs related to evaluating the potential for future housing opportunities along the 17<sup>th</sup> Street corridor, Airport Industrial Area, and church-owned sites.

#### *Appendix A - Review of Past Performances*

This section is an evaluation of the 5th cycle's Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2021-

2029 6th Cycle.

### *Appendix B - Site Analysis*

The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA Allocation. The sites identified within the Draft Housing Element represent the City of Costa Mesa's ability to plan for housing at the designated income levels within the 6th housing cycle planning period (2021-2029). As described in this appendix, the development capacity for each site depends largely on its location within the City, a specific plan or urban plan area as well as known development factors. Where possible, property owners were consulted to help the City better understand potential future housing growth on candidate housing sites within the City.

The analysis within this appendix shows that the City has the capacity to meet 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of development capacity on sites which either currently permit or would be rezoned to permit development of residential uses at or above 30 dwelling units per acre
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)

### *Appendix C - Community Outreach*

As part of the 6th Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These outreach efforts included virtual town hall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from town hall and public meetings, notices, and draft public review documents are available on the City's website:

[www.costamesaca.gov/housing-element-update](http://www.costamesaca.gov/housing-element-update) <<http://www.costamesaca.gov/housing-element-update>>.

### *Next Steps and Timeline*

The study session is the final opportunity for City Council and Planning Commission feedback and revisions to the Public Review Draft Housing Element before staff submits the document to State HCD for review. The State has 60 days to provide comments on the Housing Element.

After staff receives the State's comments, the Housing Element will be modified to respond and then scheduled for a formal public hearing with the Planning Commission for a recommendation, and City Council afterward for final approval. These hearings are anticipated to occur in December 2021/January 2022. An approved Housing Element must be submitted to the State by February 11, 2022 (which is within 120 days of the statutory deadline of October 15, 2021).

### **ALTERNATIVES:**

No Housing Element decisions are being made at the Study Session; therefore, alternatives are not necessary.

### **FISCAL REVIEW:**

There are no fiscal impacts associated with the study session.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approves it as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

Diversify, stabilize and increase housing to reflect community needs.

**CONCLUSION:**

Staff is seeking additional Planning Commission, City Council and public feedback prior to submission of the Draft Housing Element to the State Department of housing and Community Development for its review and concurrence.

**September 13, 2021**

**City Council/ Planning Commission Joint Study Session**

**Attachment 1 to Staff Report**

The Draft Housing Element is available on the City's Website. Due to the size of the draft Housing Element, click on the link below to view the document.

1. [Cover](#)
2. [Introduction](#)
3. [Profile](#)
4. [Housing Constraints, Resources, and Affirmatively Furthering Fair Housing](#)
5. [Housing Plan](#)
6. [Appendix A - Review of Past Performance](#)
7. [Appendix B - Candidate Sites Analysis Overview](#)
8. [Appendix C - Summary of Community Engagement](#)
9. [Appendix D - Glossary of Housing Terms](#)

**September 13, 2021**

**City Council/ Planning Commission Joint Study Session**

**Attachment 2**

During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5 <sup>th</sup> Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	575 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

**September 13, 2021**

**City Council/ Planning Commission Joint Study Session**

**Attachment 3 to Staff Report**

A total of 13 written public comments have been received to date which include comments directly emailed to City Staff as well as submittal of the online survey form. The main topics included in the public comments are:

- The inclusion of the Chargers / The Hive site as a housing opportunity site
- The inclusion of local hire requirements
- New housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods
- Increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions.
- Consider whether Casa Bella Apartments should be listed as an at Risk affordable developments
- Consider how assisted living and group living are counted toward the City's housing need

Refer to the attached public comments.



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August 30, 2021

Mayor John Stephens  
77 Fair Drive  
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco (\$85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site is walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Cassiano", is written over a large, light gray, stylized "X" watermark.

Peter Cassiano  
Managing Director

P: (626) 381-9248  
F: (626) 389-5414  
E: [info@mitchtsailaw.com](mailto:info@mitchtsailaw.com)



**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

**VIA E-MAIL**

September 1, 2021

Minoo Ashabi, Principal Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Em: [housing-element@costamesaca.gov](mailto:housing-element@costamesaca.gov)

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Costa Mesa’s (“**City**” or “**Lead Agency**”) draft 2021-2029 update to the City’s General Plan Housing Element (“**Draft HEU**” or “**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the use of a local skilled and trained workforce to benefit the community’s economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>2</sup>

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”<sup>3</sup>

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<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

<sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

<sup>3</sup> City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* [https://www.hayward-ca.gov/sites/default/files/documents/General\\_Plan\\_FINAL.pdf](https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf).

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”<sup>4</sup> In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”<sup>5</sup>

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.<sup>6</sup>

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.<sup>7</sup> Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents,

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<sup>4</sup> City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

<sup>5</sup> City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

<sup>6</sup> California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

<sup>7</sup> Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

## **I. CONCLUSION**

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



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Mitchell M. Tsai  
Attorneys for Southwest Regional  
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

DRAFT

**EXHIBIT A**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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March 8, 2021

Mitchell M. Tsai  
155 South El Molino, Suite 104  
Pasadena, CA 91101

**Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling**

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Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

### Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”<sup>1</sup> CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.<sup>2</sup>

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>3</sup>

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<sup>1</sup> “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>2</sup> “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>3</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.<sup>4</sup>

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

$n$  = Number of land uses being modeled.”<sup>5</sup>

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$  = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$  = emission factor for running emissions.”<sup>6</sup>

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

### Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>7</sup> In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.<sup>8</sup> The default number of construction-related worker trips is calculated by multiplying the

<sup>4</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14-15.

<sup>5</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 23.

<sup>6</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>7</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>8</sup> CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.<sup>9</sup> Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”<sup>10</sup> Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.<sup>11</sup> The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).<sup>12</sup>

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).<sup>13</sup>

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
<b>Average</b>	<b>16.47</b>	<b>11.17</b>
<b>Minimum</b>	<b>10.80</b>	<b>10.80</b>
<b>Maximum</b>	<b>19.80</b>	<b>14.70</b>
<b>Range</b>	<b>9.00</b>	<b>3.90</b>

<sup>9</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>10</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>11</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14.

<sup>12</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 21.

<sup>13</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

### Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.<sup>14</sup> In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
<b>Without Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,623
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	120.77
<b>With Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,024
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	100.80
<b>% Decrease in Construction-related GHG Emissions</b>	<b>17%</b>

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

<sup>14</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-85.

## Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

DRAFT

**EXHIBIT B**



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## ***Paul Rosenfeld, Ph.D.***

*Principal Environmental Chemist*

**Chemical Fate and Transport & Air Dispersion Modeling**

**Risk Assessment & Remediation Specialist**

### **Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

### **Professional Experience**

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

## **Professional History:**

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
UCLA Institute of the Environment, 2001-2002; Research Associate  
Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
National Groundwater Association, 2002-2004; Lecturer  
San Diego State University, 1999-2001; Adjunct Professor  
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
King County, Seattle, 1996 – 1999; Scientist  
James River Corp., Washington, 1995-96; Scientist  
Big Creek Lumber, Davenport, California, 1995; Scientist  
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## **Publications:**

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermol and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.**, J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.**, M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.**, J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.**, and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.

**Rosenfeld, P. E.**, Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.**, Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.**, and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

**Rosenfeld, P.E.**, C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

**Rosenfeld, P.E.**, and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E.** (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E.** (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

## **Presentations:**

**Rosenfeld, P.E.,** Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

**Rosenfeld, P.E.** (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.,** Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld. P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

**Rosenfeld. P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

### **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

### **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## **Deposition and/or Trial Testimony:**

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”  
*Defendant*.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112<sup>th</sup> Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017

In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action NO. 14-C-30000  
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico  
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward  
DeRuyter, Defendants  
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No 4980  
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma  
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City  
Landfill, et al. Defendants.  
Case No. 5:12-cv-01152-C  
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas  
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.  
Case Number cc-11-01650-E  
Rosenfeld Deposition: March and September 2013  
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio  
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*  
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)  
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division  
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.  
Case 3:10-cv-00622  
Rosenfeld Deposition: February 2012  
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland  
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants  
Case Number: 03-C-12-012487 OT  
Rosenfeld Deposition: September 2013



Technical Consultation, Data Analysis and  
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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

#### **Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

**From:** Diane Kastner <dianekastner@hotmail.com>  
**Sent:** Thursday, September 2, 2021 12:56 PM  
**To:** Housing Element  
**Subject:** Feedback-Public Comment  
  
**Importance:** High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

**Quality of Life:**

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.
2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.
3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.
4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

*Kind Regards,*

*Diane Kastner*

*Diane Kastner*

*[dianekastner@hotmail.com](mailto:dianekastner@hotmail.com)*

*Tel. (949) 378-1067*

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**From:** Matthew Sheehan <matthewmsheehan3@gmail.com>  
**Sent:** Thursday, September 2, 2021 6:02 PM  
**To:** CITY COUNCIL; Housing Element  
**Cc:** info@fairhousingelements.org  
**Subject:** Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,  
Matthew Sheehan

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**From:** Nancy Henning <nphenn@gmail.com>  
**Sent:** Thursday, September 2, 2021 8:56 AM  
**To:** Housing Element  
**Subject:** Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

\*\*\* Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,  
N. Henning

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**From:** Betsy Densmore <betsydensmore52@gmail.com>  
**Sent:** Sunday, September 5, 2021 10:37 PM  
**To:** Housing Element  
**Cc:** CITY COUNCIL  
**Subject:** Comments on Fair Housing Elements Draft  
**Attachments:** CM Housing Element Testimony Take 2.docx

To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,  
Betsy

Betsy Densmore  
[betsydensmore52@gmail.com](mailto:betsydensmore52@gmail.com)  
949-500-2381

*"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Franks*

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## Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the “inclusionary housing ordinance” which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more “granny flats”, in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that “affordable housing” will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units ( such as Section 8 ) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly “normal” citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

*Betsy*

Betsy Densmore

Resident:  
1006 Nancy Lane  
949-500-2381  
[Betsydensmore52@gmail.com](mailto:Betsydensmore52@gmail.com)

Sept 5, 2021

**From:** ronronron@juno.com  
**Sent:** Sunday, September 5, 2021 4:30 PM  
**To:** Housing Element  
**Subject:** Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

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**Public Review Draft Community Comments**

**Chapter 1 (Introduction)**

No comments

**Chapter 2 (Community Profile)**

- On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses, and are therefore excluded from these overall numbers. By the definition offered here, I believe that each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists. I will send the same question above in the form of an e-mail, as I would like to get an answer and this comment format doesn't allow for that. Thank You

**Chapter 3 (Housing Constraints, Resources, and AFFH)**

No comments

**Chapter 4 (Housing Plan)**

- Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
- Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a ‘victory garden’ to produce locally and create an outdoor gathering area?

**Appendices**

No comments

**Additional Comments**

- Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using ( pre - Covid 19 ) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just add to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
- Permitting small home building (used to be called grandmother suites) for any age group is a good idea. This helps with extra housing and permits residents with low income to rent the small house and avoid being forced out by high taxes. The mass building of the 3 story units around Costa Mesa has contributed to heavy traffic, which Costa Mesa now has all year round, instead of summer only. Most residents I've spoken to believe past members of the city council were paid off, which permitted the development of those crowded living spaces.

## City of Costa Mesa

### 2021-2029 Housing Element Update

True or not, perception is reality for many. The freedom home track (west side) is unique to southern ca. If you over develop it you will ruin the country feel, increase traffic, not to mention increase water use. The element update will be too complicated for most residents to understand. There should be a more simple way of explaining the City's intent so residents completely understand. Overall, I'm discouraged by what I see. I mean no disrespect, but it seems like everything revolves around money and not quality of life. I hope you prove me wrong.

- For the future of Costa Mesa, can we have the city plant 'fruit trees' for our insects birds and humans consumption, and enjoyment, that also lower our carbon footprint? Examples, some that are drought tolerant: tamarind, loquats, figs, guava, natal plum, mango, etc. It would be beautiful to know Costa Mesa is a leading city in planting Green, as well as the city of the arts. :)



## C.11 Public Comments

The section contains all public comments submitted throughout the Housing Element Update and during the Public Review Period. Comments were submitted through the Public Review Period feedback form and by email to City Staff. Public comments provided during the Townhall Meeting, Subject Matter Expert Meeting, District Meetings, Planning Commission and City Council Study Sessions, and Public Hearings are provided in the sections above.

## Response to Public Comments

Public Comment	Response
The Housing Element should plan for more housing near jobs, transit stops, and high-resource neighborhoods.	As part of the Housing Element's Section 3 on Affirmatively Furthering Fair Housing (AFFH), the City identifies and analyzes disparities in access to opportunity, including: "improving the quality of life for residents of low-income communities, as well as supporting mobility and access to 'high resource' neighborhoods. This encompasses education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, and other opportunities, including recreation, food and healthy environment" (HCD Guidance on AFFH).
Adopt an inclusionary housing ordinance.	The adoption of an inclusionary housing ordinance is Program 2A of the Housing Element Update. The City is currently working on developing an inclusionary housing policy.
The City should adopt a program to allow by-right development for projected proposing 100% units affordable to very low- and low-income households.	The City's Housing Element meets State requirements to allow by-right development for sites identified in the Housing Element that permit at least 20% affordable units as described in Program 3M.
Create a Specific Plan for the Fairview Developmental Center site to facilitate the development of housing affordable to extremely low-income to moderate income households.	Program 3B addresses the City's future planning actions regarding development of the Fairview Developmental Center.
Create new overlay zones along major thoroughfares like Harbor Blvd. to replace failing strip malls with mixed-use developments.	Programs 3C and 3D within the Housing Element will amend the existing specific plans, urban plans, and overlays, many of which are within major thoroughfares, to better suit today's development climate

Public Comment	Response
	while planning responsibly for future potential growth within these areas.
All City Specific Plans and Overlays should have densities of 60 DU/Acres and a requirement of at least 20% affordable units.	The City has proposed densities which take into considerations the development characteristics of each area. Proposed densities range from 40 du/ac to 90 du/ac. The City is working to develop an inclusionary housing policy which will have a citywide affordability requirement for projects that meet established requirements.
Create a land trust to hold donated land.	The City is not proposing a policy related to creating a land trust but may consider that strategy in future implementing efforts.
Add workforce housing.	The City has established a housing strategy which looks to address housing for all segments of the community. More information can be found within Appendix B.
The densities proposed in the Public Review Draft are not high enough to make the sites financially feasible.	The City worked with members of the development community to identify densities which are likely to promote the development of housing at all income levels. The City also analyzed past real world development examples to determine at what densities different housing types are typically proposed.
We should be allowing multi-unit buildings in all neighborhoods.	This is not included as part of the Housing Element Update sites strategies; however, Appendix B identifies sites and strategies to accommodate the development of multi-unit projects throughout the City.
The City should accelerate the pace of ADU developments throughout the community.	Appendix B of the Housing Element discusses projected ADU growth over the next 8 years. Chapter 4: Housing Plan also provides policies and programs the City will

Public Comment	Response
	implement to track and facilitate the development of ADUs.
Casa Bella's subsidized senior housing contract expires in 2025 and should be considered at-risk.	Casa Bella is included in Section 3 – Inventory of Assisted Affordable Housing.
Select part of the Costa Mesa Golf Course and driving range for candidate sites.	This site is not included as part of the Housing Element Update sites strategy as the City is able to meet the RHNA allocation through the selection of other sites. It is also important to the City to maintain limited recreational open space for the community.
Create pathways to home ownership.	The City's Housing Element focuses on strategies for the attainment of both rental and for sale housing. Strategies specifically aimed at home ownership are not included.
Create an Ad Hoc Advisory Committee to review Measure Y and potential constraints on housing.	The City is currently pursuing the creation of an Advisory Committee to review Measure Y and its implications for housing development.
Do not replace El Metate Market with housing.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not replace the Smart & Final with affordable high-density housing on 19 <sup>th</sup> Street.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not propose high density development on 19 <sup>th</sup> Street.	The City's sites strategy includes consideration of the West 19 <sup>th</sup> corridor.
High-density housing on 19 <sup>th</sup> Street will further the parking shortage and decrease property value.	Parking standards may be evaluated during the amendment of the City's overlays and urban plans.
Stop the affordable unit tax on developers.	The City is considering a inclusionary housing policy to address affordable housing requirements for future development projects.
The sites inventory must include probability of development during the RHNA cycle.	Appendix B of the Housing Element provides detailed information on the sites analysis strategies, including the assumed

Public Comment	Response
	affordability percentages. The City has allocated a buffer of units as part of its sites analysis in order to plan for sites potentially developing with lower densities than maximum permitted.
The Housing Element should specify the current available density and the proposed new density for each site identified for rezoning.	Appendix B of the Housing Element includes a detailed list of all sites identified as part of the sites analysis, including the current and proposed densities.
Reduce traffic congestion and consider parking shortages.	The City has considered mobility and access to public transportation when identifying candidate housing sites.
Costa Mesa should be a 15-minute city and become less car-dependent.	The City has considered mobility and access to public transportation when identifying candidate housing sites. In addition, the development of mixed-use projects generally facilitates walkability and sustainable transportation due to the location of housing units near commercial and retail uses.
Adopt a form-based code with objective criteria.	The City will consider different development strategies as part of the update to its existing urban plans and overlays. Currently the urban plans have a form-based like development criteria.
The City should abandon its RHNA appeal and add housing affordable to disadvantaged residents.	The City was not successful in appealing its RHNA allocation. The final RHNA allocation was released by SCAG on March 4, 2021.
How much importance is placed on public comments?	Public participation is critical to the success of the Housing Element and is a required component of the Update. All public comments are included in the Housing Element and all are provided to the City Council for consideration.
The City must engage community participation throughout all stages of the Housing Element.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the

Public Comment	Response
	Housing Element Update period. The City has solicited input from the community, stakeholders, and local organizations at the start of the Update process, during the Public Review period, during public Council and Commission meetings, as well through meetings with City Staff and via email and phone calls.
The City should include affordable housing advocates and local organizations in community outreach efforts.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the Housing Element Update period. The City outreached to and held multiple meetings with local organizations and housing advocates throughout the Update process.
The City should provide further analysis on the constraints for Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza)	The City has considered known constraints to development on these sites. Future implementing projects will be subject to an objective development review process which further analyzes potential constraints.
Program 3F should include long-term resident protections through anti-displacement, right-of-first refusal, and relocation benefits strategies.	The City's Housing Element Draft does not directly address long-term resident strategies but does analyze displacement risk and other environmental justice factors within Section 3 of the document.
The City should adopt a stand-alone program to make mid-cycle adjustments if housing production is not moving forward on identified large sites.	The City reports to HCD annually on its progress towards meeting its RHNA allocation. If HCD determines the City is not making sufficient progress, the City must revise its Housing Element in accordance.
Let single-family homes become duplexes and triplexes.	The Housing Element Update does not include a rezoning of all single-family neighborhoods.
Consider the availability of public open space.	The City has considered the availability of public open space in its sites analysis. Additionally, the City currently requires Park Fees for new residential projects as a

Public Comment	Response
	condition of approval. These fees ensure compliance with State law and provide funds to cover the cost of land acquisition and parkland upgrades to support accessible public park space as population grows.
Add The Hive as a candidate housing site to allow for multi-family housing.	The Hive has been added as a candidate housing site.

**Public Review Draft - Community Comments**

**Chapter 1 (Introduction)**

1. I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.

Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.

Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.

Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

2. It was very disappointing to see preserve single family neighborhoods (monoplex zoning) as a goal in the Housing element. This is contrary to Costa Mesa's professed values (safe, inclusive, vibrant) and emergent state law. It is also subjective, latently racist and classist. Subjective discretion has historically resulted in treating people with more resources better than those with fewer resources which is another way to say latently racist and classist exclusionary practices wrapped in a ball of boring planning language. Costa Mesa should adopt a form-based code, compliant with state law that uses objective criteria to treat everyone equally under the zoning code and law. If the exclusionary neighbors wish to preserve monoplex zoning they may do so by buying those properties and preserving those parcels through private action. It is not the city's role to preserve exclusionary, high resource enclaves and concentrate housing growth where pollution burdens are higher (arterial and freeway corridors).

**Chapter 2 (Community Profile)**

1. On page 2-14 of the Community Profile PDF, the section on "Overcrowding" begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as "Residences" or are properly classified as stand-alone businesses, and are therefore excluded from these overall numbers. By the definition offered here, I believe that each of those homes could qualify as "overcrowded" and artificially skew the data toward implying a greater need for housing remediation than actually exists. I will send the same question above in the form of an e-mail, as I would like to get an answer and this comment format doesn't allow for that. Thank You

**Chapter 3 (Housing Constraints, Resources, and AFFH)**

1. The most powerful thing local elected officials can do on climate change is Urban Infill land use planning. <https://coolclimate.berkeley.edu/ca-scenarios/index.html>. This draft housing element is a swing and a miss that will jeopardize Costa Mesa's land use authority. This draft is tantamount to climate and racial justice arson. The primary deficiency is a failure to address the primary Governmental constraint on housing, Measure Y. It is a governmental constraint because it is a referendum embedded in municipal code that can be superseded by State law, interpreted by the Attorney General and the courts all of which are all government agencies. City council through its budgetary authority can also choose to defund anything related to implementation of it. In light of Title 13, Chapter IX, Article 22 of the municipal code (AKA Measure Y) the Housing Element made a lot more sense. This Municipal code conflicts with state law and all cities are subordinate to state law. The City Council and City Management's unwillingness to confront Measure Y head on leads the this Housing Element to a state of turboparalysis where City Planners and their consultants make vigorous and dramatic motions to meet RHNA goals but the end result is the absence of steady movement any particular direction. This unwillingness to confront Measure Y will likely result in City Council and city management eventually losing its land use authority.  
A second weakness in the draft is the defense of pretextual zoning for parking requirements. This is bad policy and bad planning and pretextual zoning in any form should not be included in any part of Costa Mesa's housing element. Pretextual zoning is contrary to Costa Mesa's values (safe, inclusive and vibrant) and the statutory requirement to AFFH. <https://slate.com/business/2021/05/california-parking-minimums-planners-housing-ab1401.html>.  
The fees and services nexus studies will need to be re-done thanks to AB602 which requires these fees to be levied on a per square foot basis. The current and future fee nexus studies should be publicly noticed and freely available for inspection by Costa Mesans.  
The Housing element draft makes it difficult to undertake an analysis of these fees to determine if they are a constraint on housing production or if the assumptions made at the times of these studies are still valid. One specific example of this is the DIF for San Joaquin Hills TCA. This fee is antithetical to the principal of a toll road where the users pay. This DIF should be re-visited as an obstacle to the city's climate goals and housing goals. It is ridiculous and tantamount to climate arson that new infill housing (ADUs without parking) in Costa Mesa is used to support toll roads.
2. Parking Standards. My comment: Parking is always a problem in new developments, and also in high density residential areas. The City should NOT consider garage parking to be parking at all, since there is nothing assuring the City that it will be used for parking. I believe over half of garages within the city are NOT used for parking, but rather for storage or other uses. I would prefer the City require 1 outdoor parking space per bedroom AND 2-3 public street parking spaces per house/condo specifically for guests. Currently, there are not enough guest parking spaces in new developments or high density (apartment) areas. I always worry about going to a party at a new development, or near apartments, because I know parking is a problem. Taking a taxi is not an appropriate solution, this is not New York City. Riding my bike only works if I have extra time, it's daytime, and I am alone, so biking has limitations.
3. ADUs - Costa Mesa should create standardized ADU plans that residents can use. Most people are converting garages and those have set dimensions. So plans for studio and 1-bedrooms would cut down on costs, fast-track the approval process and encourage more ADU builds. Households are becoming more multi-generational. Folks want to move their elderly parents in with them but still give them their own space. Or grown children move back home for whatever reason and also need a space of their own. Also, there are probably lots of unpermitted ADUs constructed (maybe due to the recession and the need for additional

## City of Costa Mesa

### 2021-2029 Housing Element Update

income). There needs to be a way to get those permitted after the fact (without punishing the homeowners). It'll add to property valuations and increase tax revenue for the city.

4. AFFH - I believe access to affordable utilities applies to this policy. Approvals for solar power and home batteries should be fast-tracked and permitting should not be cumbersome or cost-prohibitive. Access to affordable energy is also an environmental justice issue. Current incentives for electric vehicles benefit affluent residents who can afford to charge their vehicles. Grants should be issued for lower income residents to install solar

#### Chapter 4 (Housing Plan)

1. Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
2. Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a 'victory garden' to produce locally and create an outdoor gathering area?
3. Regarding the section "PROGRAM 3C: Update the North Costa Mesa Specific Plan", it would be better to not implement the North Costa Mesa Specific Plan, or to scale the North Costa Mesa Specific Plan back significantly. Traffic on Bristol Street (and the neighboring streets) is already very congested. The changes proposed by the North Costa Mesa Specific Plan would worsen the traffic on Bristol Street (and the neighboring streets). Worse traffic reduces the quality of life. Worse traffic is also not "compatible with growth", which is one of the "guiding principles" of the Costa Mesa Housing Plan.
4. HCD requires cities to include a probability weighting of each site in its inventory of actually being developed during the 8 year cycle. Costa Mesa did not do that. Exceeding the city's RHNA goal by 34% addresses this partially but that still assumes that each of the identified sites has about a two thirds probability of being redeveloped. Based on the literature for California cities indicates the Costa Mesa's assumptions are optimistically high. <https://escholarship.org/uc/item/6786z5j9>.  
The housing element spatially concentrated new housing sites along arterial roads and freeway corridors. This decision places additional noise pollution from cars and particulate matter pollution burdens on those occupants, including low income people. It also concentrates new arrivals in low resource areas and keeps monoplex (single family) zoning exclusionary contrary to the city's values and legal mandate to AFFH.
5. I am not against the City having a Housing Plan in general. I agree that the City should have a "plan" regarding housing. However, I disagree with the allotted number given to each City (11,760). I disagree with some of the wording in the Plan that simply agrees with this number without any push-back. Not all residents agree with the proposal to add so many high density living spaces in the City. Many of us think this is a bad idea & do not support it. Where is our voice and our representation? If it's already listed in the document I am apologize, but I have missed that part.
6. Approve more affordable housing, less luxury housing and luxury apartments. Lobby state to remove CEQA requirements for affordable housing

#### Appendices

1. Site Analysis. My comment, the only site south of the Freeway that has real merit is the Fairview Developmental Hospital. It's a large site, off major streets, and would be a nice spot to live. I lived right off Harbor Blvd for 2 years, with my bedroom window facing the street. I hated living there because the traffic noise was constant.

## City of Costa Mesa

### 2021-2029 Housing Element Update

I came to the conclusion that nobody wants to live right off a major street, and that people only live there because it's available. I now see so many little houses and apartments being built right on Harbor Blvd, and I scratch my head a little. Who is allowing these places to be built? Have they every lived right on Harbor? Do they know how much it sucks to live there? I have...and I know. The same thing goes for Placentia & 19th St. Again, these are terrible places for people to live. Who wants their front door opening up to Placentia? It's ridiculous. I think all sites within 50 feet of any major street are not fit for anybody to live, not old people, not poor people, not millennials, nobody.

#### Additional Comments

1. Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using ( pre - Covid 19 ) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just add to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
2. Permitting small home building (used to be called grandmother suites) for any age group is a good idea. This helps with extra housing and permits residents with low income to rent the small house and avoid being forced out by high taxes. The mass building of the 3 story units around Costa Mesa has contributed to heavy traffic, which Costa Mesa now has all year round, instead of summer only. Most residents I've spoken to believe past members of the city council were paid off, which permitted the development of those crowded living spaces. True or not, perception is reality for many. The freedom home track (west side) is unique to southern ca. If you over develop it you will ruin the country feel, increase traffic, not to mention increase water use. The element update will be too complicated for most residents to understand. There should be a more simple way of explaining the City's intent so residents completely understand. Overall, I'm discouraged by what I see. I mean no disrespect, but it seems like everything revolves around money and not quality of life. I hope you prove me wrong.
3. For the future of Costa Mesa, can we have the city plant 'fruit trees' for our insects birds and humans consumption, and enjoyment, that also lower our carbon footprint? Examples, some that are drought tolerant: tamarind, loquats, figs, guava, natal plum, mango, etc. It would be beautiful to know Costa Mesa is a leading city is planting Green, as well as the city of the arts. :)
4. SB 9, SB 10, SB 477, AB 602 and SB 478 are all on the Governor's desk and polling indicates he will beat the recall and is likely to sign these bills. The city should actively embrace and enable these tools to legalize housing freedom, affirmatively further fair housing and practice Costa Mesa's values (safe, inclusive and vibrant).
5. Housing plan needs to include more dedicated bike paths, similar to the one that runs along the golf course and connects Harbor Blvd to Placentia Ave, and the one along Victoria.
6. According to FORBES what makes a great neighborhood/city is
  - Pride in ownership
  - Low crime rate
  - Great schools
  - Outdoor activities abound
  - Stepping back in time (tree lined streets)
  - Access to medical care
  - Family friendly
  - Close to public transportation
  - Nearby shopping and restaurants

## City of Costa Mesa

### 2021-2029 Housing Element Update

- Nightlife and entertainment
- Walkability

Rather than just looking at housing let's consider the above. Although the plan says it is responsible for policies and programs regarding inclusion and diversity I don't see how this is being done. Where is the infrastructure like safety, green space, water, sewer, schools, police, fire departments that will support any new housing. Where is climate change and sustainability address in these new spaces. How are we going to attract new and interesting businesses? How are we going to get people to stay rather than be just a stop over (on the way to Newport Beach). How are we going to live up to our name, "the City of the Arts"? Where is the quality of life in this proposal rather than just getting more funding and adding more houses. Please consider those of us who really love this City and want to continue to invest it in. I care a lot.



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August 30, 2021

Mayor John Stephens  
77 Fair Drive  
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco (\$85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site is walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Cassiano", is written over a large, light gray, stylized "X" watermark.

Peter Cassiano  
Managing Director

P: (626) 381-9248  
F: (626) 389-5414  
E: [info@mitchtsailaw.com](mailto:info@mitchtsailaw.com)



**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

**VIA E-MAIL**

September 1, 2021

Minoo Ashabi, Principal Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Em: [housing-element@costamesaca.gov](mailto:housing-element@costamesaca.gov)

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Costa Mesa’s (“**City**” or “**Lead Agency**”) draft 2021-2029 update to the City’s General Plan Housing Element (“**Draft HEU**” or “**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the use of a local skilled and trained workforce to benefit the community’s economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>2</sup>

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”<sup>3</sup>

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<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

<sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

<sup>3</sup> City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* [https://www.hayward-ca.gov/sites/default/files/documents/General\\_Plan\\_FINAL.pdf](https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf).

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”<sup>4</sup> In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”<sup>5</sup>

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.<sup>6</sup>

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.<sup>7</sup> Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents,

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<sup>4</sup> City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

<sup>5</sup> City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

<sup>6</sup> California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

<sup>7</sup> Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

## **I. CONCLUSION**

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



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Mitchell M. Tsai  
Attorneys for Southwest Regional  
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

DRAFT

**EXHIBIT A**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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March 8, 2021

Mitchell M. Tsai  
155 South El Molino, Suite 104  
Pasadena, CA 91101

**Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling**

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Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

### Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."<sup>1</sup> CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.<sup>2</sup>

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>3</sup>

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<sup>1</sup> "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>2</sup> "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>3</sup> "CalEEMod User's Guide." CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.<sup>4</sup>

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

$n$  = Number of land uses being modeled.”<sup>5</sup>

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$  = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$  = emission factor for running emissions.”<sup>6</sup>

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

## Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>7</sup> In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.<sup>8</sup> The default number of construction-related worker trips is calculated by multiplying the

<sup>4</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14-15.

<sup>5</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 23.

<sup>6</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>7</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>8</sup> CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.<sup>9</sup> Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”<sup>10</sup> Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.<sup>11</sup> The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).<sup>12</sup>

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).<sup>13</sup>

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
<b>Average</b>	<b>16.47</b>	<b>11.17</b>
<b>Minimum</b>	<b>10.80</b>	<b>10.80</b>
<b>Maximum</b>	<b>19.80</b>	<b>14.70</b>
<b>Range</b>	<b>9.00</b>	<b>3.90</b>

<sup>9</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>10</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>11</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14.

<sup>12</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 21.

<sup>13</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

### Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.<sup>14</sup> In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
<b>Without Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,623
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	120.77
<b>With Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,024
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	100.80
<b>% Decrease in Construction-related GHG Emissions</b>	<b>17%</b>

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

<sup>14</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-85.

## Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

DRAFT

**EXHIBIT B**



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## ***Paul Rosenfeld, Ph.D.***

*Principal Environmental Chemist*

**Chemical Fate and Transport & Air Dispersion Modeling**

**Risk Assessment & Remediation Specialist**

### **Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

### **Professional Experience**

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

## **Professional History:**

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
UCLA Institute of the Environment, 2001-2002; Research Associate  
Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
National Groundwater Association, 2002-2004; Lecturer  
San Diego State University, 1999-2001; Adjunct Professor  
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
King County, Seattle, 1996 – 1999; Scientist  
James River Corp., Washington, 1995-96; Scientist  
Big Creek Lumber, Davenport, California, 1995; Scientist  
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## **Publications:**

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermol and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.**, J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.**, M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.**, J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.**, and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.

**Rosenfeld, P. E.**, Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.**, Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.**, and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

**Rosenfeld, P.E.**, C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

**Rosenfeld, P.E.**, and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E.** (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E.** (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

## **Presentations:**

**Rosenfeld, P.E.**, Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

**Rosenfeld, P.E.** (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.,** Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld, P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

**Rosenfeld, P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

### **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

### **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## **Deposition and/or Trial Testimony:**

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”  
*Defendant*.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112<sup>th</sup> Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017

In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action NO. 14-C-30000  
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico  
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward  
DeRuyter, Defendants  
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No 4980  
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma  
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City  
Landfill, et al. Defendants.  
Case No. 5:12-cv-01152-C  
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas  
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.  
Case Number cc-11-01650-E  
Rosenfeld Deposition: March and September 2013  
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio  
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*  
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)  
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division  
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.  
Case 3:10-cv-00622  
Rosenfeld Deposition: February 2012  
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland  
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants  
Case Number: 03-C-12-012487 OT  
Rosenfeld Deposition: September 2013

DRAFT

**EXHIBIT C**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

#### **Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

**ARIOS, JUSTIN**

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**From:** Nancy Henning <nphenn@gmail.com>  
**Sent:** Thursday, September 2, 2021 8:56 AM  
**To:** Housing Element  
**Subject:** Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

\*\*\* Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,  
N. Henning

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**From:** Aaron Klemm <aaron\_klemm@hotmail.com>  
**Sent:** Monday, September 13, 2021 5:48 PM  
**To:** CITY COUNCIL; Housing Element  
**Cc:** info@fairhousingelements.org  
**Subject:** Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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**Paul Dumont**  
6535 Lankershim Boulevard  
North Hollywood CA 91609  
[paulrdumont@live.com](mailto:paulrdumont@live.com)  
**818.968.5627**

September 13, 2021

Costa Mesa City Council  
and Planning Commission  
via [CityClerk@CostaMesaCA.gov](mailto:CityClerk@CostaMesaCA.gov)

**RE: Public Comment on the Draft Housing Element & Regional Housing Needs**

Dear Costa Mesa:

I have worked to provide housing for special needs, low income people for 20 years. Many come from Orange County in general and many are from Costa Mesa specifically. They all suffer from a lack of affordable housing options in their community of choice.

I am writing on their behalf to encourage you to abandon the appeal of the Regional Housing Needs Assessment determination required by the California Department of Housing and Community Development. Besides the sound legal reasoning behind the assessment, you should act in your constituent's best interests by facing reality: there is simply not enough affordable housing for the people who already live in Costa Mesa.

My experience is that when low income Costa Mesa residents can't find housing there, they migrate to other communities - even though Costa Mesa has been their home. And that is the precise reason you, along with other Orange County communities, are pushing back on the requirement that you plan for housing for all of your residents. Pushing "undesirable" people out of town is not only morally reprehensible; it's illegal.

Planning to make housing unavailable for already disadvantaged residents will not pass constitutional muster, and it certainly will not improve your City in the long term. Providing all people with housing opportunities will improve Costa Mesa for everyone.

The incredible amount of taxpayer money you spend to harm poor people's ability to live and thrive in Costa Mesa is fiscally irresponsible. Moving your perceived "problem people" to other jurisdictions is incredibly selfish and solves nothing. You have a duty to make room for everyone. I encourage you to plan accordingly – it's the law.

Sincerely,  
*Paul Dumont*  
Paul Dumont

**ARIOS, JUSTIN**

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**From:** Betsy Densmore <greatmexgrill@gmail.com>  
**Sent:** Monday, September 13, 2021 10:04 PM  
**To:** Housing Element; CITY COUNCIL  
**Cc:** info@fairhousingelements.org  
**Subject:** Re: Comments on Fair Housing Elements Draft

Good evening,

It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.

Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases that currently consume much too much of their income.

I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.

Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.

Thank you for serving us!

Best Regards,  
Betsy

Elizabeth Densmore, Business Manager/Co-owner  
Great Mex Grill LLC  
[www.greatmexgrill.com](http://www.greatmexgrill.com)  
[greatmexgrill@gmail.com](mailto:greatmexgrill@gmail.com)  
949-500-2381

On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <[betsydensmore52@gmail.com](mailto:betsydensmore52@gmail.com)> wrote:  
To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,  
Betsy

Betsy Densmore  
[betsydensmore52@gmail.com](mailto:betsydensmore52@gmail.com)  
949-500-2381

*"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Frankl*

**From:** bmarkle1@gmail.com  
**Sent:** Tuesday, September 14, 2021 8:02 PM  
**To:** Housing Element  
**Subject:** 19th Street - Housing Element Draft Proposal (September 13, 2021)

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19<sup>th</sup> Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costa Mesa on 19<sup>th</sup> Street west of Harbor Blvd.
3. So many units proposed for 19<sup>th</sup> Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
  - a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
  - b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Bryan Markle  
717 Center St.  
Costa Mesa, Ca 92627  
[Bmarkle1@gmail.com](mailto:Bmarkle1@gmail.com)

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**ARIOS, JUSTIN**

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**From:** Eric Markle <ericmarkle@gmail.com>  
**Sent:** Tuesday, September 14, 2021 5:55 PM  
**To:** Housing Element  
**Subject:** 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.

The Golf course is a better option.

19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.

Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!

Eric Markle

--

Eric Markle

[His Word Your Story Podcast](#)

[LinkedIn](#)

[Instagram](#)

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**From:** Holly Rahill <holly.rahill@gmail.com>  
**Sent:** Tuesday, September 14, 2021 3:38 PM  
**To:** Housing Element  
**Subject:** Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill  
Costa Mesa Resident & Home Owner

**From:** Kyle Harper <Harper.Kyle@outlook.com>  
**Sent:** Tuesday, September 14, 2021 3:47 PM  
**To:** Housing Element  
**Subject:** Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper  
HarperPromotional  
949.278.1055

Sent from my iPhone

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**From:** ryan.forman9@gmail.com  
**Sent:** Tuesday, September 14, 2021 3:33 PM  
**To:** Housing Element  
**Subject:** Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Best,

Ryan Forman, Resident  
Brentwood Property Appraisal  
Lic. #3004308

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**From:** Eleanor Markle <eamarkle@gmail.com>  
**Sent:** Wednesday, September 15, 2021 5:31 AM  
**To:** Housing Element  
**Subject:** Housing element draft proposal

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19<sup>th</sup> Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costa Mesa on 19<sup>th</sup> Street west of Harbor Blvd.
3. So many units proposed for 19<sup>th</sup> Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
  - a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
  - b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Eleanor Markle

717 Center St.

Costa Mesa, Ca 92627

[Eamarkle@gmail.com](mailto:eamarkle@gmail.com)

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September 15, 2020

**VIA EMAIL**

Mayor Katrina Foley  
Costa Mesa City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, California 92626  
cityclerk@costamesaca.gov

Bruce A. Lindsay  
Jones & Mayer  
3777 N. Harbor Blvd.  
Fullerton, CA 92835  
714-446-1400  
714-446-1448 FAX  
bal@jones-mayer.com

Re: Comment on September 15, 2020 Agenda Item 12 of the Consent Calendar: Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard

Affordable Housing Initiatives under the Settlement Agreement, *Dadey, et al. v. City of Costa Mesa, et al.* (Orange County Superior Court Case No. 30-2014-00757962-CU-CR-CJC)

Dear Mayor Foley and City Council Members:

The Public Law Center writes to encourage the City Council to approve Agenda Item 12 of the Consent Calendar, Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard, at tonight's City Council Meeting. As the Staff Report accurately points out, approving and executing this Affordable Housing Agreement is necessary to comply with the global settlement agreement entered into by all parties in the *Dadey, et al. v. City of Costa Mesa, et al.* and to comply with the July 12, 2018 Stipulated Judgment. Additionally, adopting and executing this Affordable Housing Agreement will provide affordable units to very low income households in Costa Mesa and help the City begin to meet the great need for affordable housing that currently exists. We applaud the City for complying with its agreements and working toward the important goal of expanding the availability of affordable housing in Costa Mesa.

We would also like to take this opportunity to mention the City's other obligations under the Settlement Agreement for *Dadey, et al. v. City of Costa Mesa, et al.*

### **Fairview Developmental Center**

Pursuant to the Settlement Agreement, “The City agrees to exercise reasonable best efforts consistent with and as authorized by applicable law to: (i) promote development of affordable housing at the real property commonly referred to as the Fairview Developmental Center (“FDC”) . . . in accordance with the City’s land use and zoning for that site of Institutional & Recreational-Multi-Use District (I&R-MLT), which provides for twenty-percent (20%) affordable housing in multi-unit residential developments; (ii) not limit the affordable housing at the FDC to developmentally disabled persons to the extent it is authorized under applicable federal and state law and subject to the conditions of disposition of the State-owned property to do so and to obtain permission from the State of California and any relevant state or federal authorities to permit such housing; (iii) encourage that residential development at FDC provide for a reasonable percentage of extremely low, very low, and low income affordable units, based on the applicable, then-current Orange county income limits established by the Department of Housing and Community Development (“HCD”) or the United States Department of Housing and Urban Development (“HUD”); and obtain permission and authority, as necessary, from the State of California and any relevant state or federal authorities toward achieving (i) to (iii) of this subsection 3(a).”

As we understand it, over a year ago the Costa Mesa City Council formed an Ad Hoc Committee of the Council to Address the Upcoming Closure and Potential Future Uses of the Fairview Developmental Center with the objective to “effectively analyze the matter and develop a City of Costa Mesa strategy to address the future of Fairview Developmental Center.” We are eager to hear of the Ad Hoc Committee’s progress, especially in light of the State’s goal to have finalized operational closure of the Fairview Developmental Center by July 1, 2020.

We also expect that, with the upcoming updates for the 6th Cycle Housing Element, there will be a lot of discussions of the role Fairview Developmental Center may play in the City’s efforts to reach its future Regional Housing Needs Allocation, estimated to be over 11,000 units.

As the Ad Hoc Committee continues its work and as the City approaches drafting its 6th Cycle Housing Element, we remind the City of its obligations under the Settlement Agreement to use best efforts to ensure that 20% of the housing developed in multi-family residential developments at Fairview Development Center is affordable to extremely-low-, very-low-, and low-income households.

### **James Street/West 18th Street Properties**

The City also agreed to seek proposals to substantially rehabilitate or redevelop affordable housing at the James Street/West 18th Street Properties with new or extended covenants of affordability that include a minimum of ten percent extremely-low-income units.

As we understand, the City issued a request for proposals with a deadline of February 2019 and received several proposals by that deadline. The City staff was then reviewing the proposals to make a recommendation of a finalist development team to the City Council and agendize the

selection for final approval. We are eager to learn of the City's progress in selecting a development team and the currently proposed timeline for this project.

Again, we applaud the City's efforts in making affordable housing a priority and look forward to continuing to work with the City on these important goals.

Sincerely,

/s/

Richard Walker  
Senior Staff Attorney  
Public Law Center  
601 Civic Center Drive West  
Santa Ana, CA 92701-4002  
(714) 541-1010 ext. 292  
rwalker@publiclawcenter.org

# Costa Mesa Affordable Housing Coalition

September 10, 2021

Ms. Minoo Ashabi, Principal Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

## **RE: Comments on Draft 2021-2029 Housing Element Update (August 2021)**

Dear Ms. Ashabi:

On behalf of the Costa Mesa Affordable Housing Coalition (the Coalition), we thank you for the opportunity to review and comment on the city of Costa Mesa's draft Housing Element—6<sup>th</sup> cycle—2021-2029. As you know, the Coalition is a local advocacy group which for many years has been encouraging Costa Mesa to actively facilitate the construction of affordable homes for the city's lower income residents. We submit this letter as part of our public comments on the draft Housing Element.

First of all, we congratulate the city for its success in conducting a remarkably robust, open, and serious process of public engagement. The Coalition had the opportunity to meet several times with you and your excellent consultant, Kimley-Horn, in both small and large group settings. Throughout this process, we have been impressed with the city's willingness to listen to our concerns and consider our ideas for spurring the development of homes affordable to the city's lower income residents.

In this letter, we recommend a few important substantive changes to the draft Housing Element and seek clarification on a number of important issues. We begin with recommendations on **our two most pressing concerns: the need for the city to adopt expeditiously an effective inclusionary zoning ordinance, and the related need to postpone until after adoption of the inclusionary zoning ordinance all zoning changes the Housing Element identifies as essential for meeting the city's 2021-2029 RHNA.**

### **Recommendations and Requests for Clarification**

- 1. The city must move expeditiously to adopt an effective inclusionary zoning ordinance.** It is widely understood such an ordinance is one of the most important tools available to a city for spurring the construction of affordable housing for lower income households. We are aware the city has engaged a consultant to help draft an inclusionary zoning ordinance, and the ordinance is nearly ready for presentation to the Planning Commission and City Council for adoption.
  - a. We recommend the draft Housing Element be revised to include a deadline of the end of October 2022 for adoption of an inclusionary zoning ordinance.**
  - b. Given the city's high 2021-2029 RHNA for lower income units and the city's persistent failure to produce any significant amount of lower income units through the last three planning periods, we recommend the city's**

**inclusionary zoning ordinance contain provisions for setting aside a minimum of 15% of the units for lower income households.**

- 2. The city must postpone enactment of any zoning changes or other land use changes affecting allowable residential densities identified in the draft Housing Element as necessary to meet the city's 2021-2029 RHNA until after the city adopts the inclusionary zoning ordinance.**
  - a. It would be a grave mistake for the city to enact any zoning or land use changes which increase residential densities without first ensuring those changes are tied to housing affordability requirements. Otherwise, developers could lock in the new increased densities by entering into a development agreement which would not be bound by the new inclusionary zoning ordinance.
  - b. Assuming the city meets its October 2022 deadline for adoption of the inclusionary zoning ordinance, we believe the city will be able to meet its obligation to accomplish the specified zoning and other land use changes within three years of certification of the Housing Element.
- 3. The city should create a stand-alone program that allows by-right development for new construction projects which make 100% of the units affordable to low-, very low- and extremely low-income households.**
- 4. The city should provide additional analysis on the Fairview Developmental Center (FDC) and the implications of SB 82.** In the Housing Element, the city identified FDC as a 109-acre opportunity site and assumes 40% of future units on the site will be affordable to lower income households (575 very low and 345 low).<sup>1</sup> However, SB 82 states:

“Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property *not exceeding 20 acres* located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities... A *minimum of 20 percent* of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center...”<sup>2</sup>
- 5. The city should decrease the FDC's affordability assumption that 40% of the units will be for lower income. A more realistic affordability assumption for FDC is 20% for lower income.** While SB 82 indicates that a minimum of 20% of units will be affordable to individuals with developmental disabilities, we are unaware of any written or public statement from the state expressing interest in making more than 20% of homes affordable to lower income households.
- 6. The city should create a stand-alone program and commit to working with the state to ensure that at least 40% of the total future units on the FDC site will be**

<sup>1</sup> City of Costa Mesa Housing Element 2021-2029 Public Review Draft, Appendix B Candidate Sites Analysis Overview, August 2021, p. B-16.

<sup>2</sup> California Legislative Information, Bill Text SB-82 Developmental Services, June 24, 2015.  
[https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB82](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB82)

**affordable to lower income households.** There is ample land at FDC to accommodate the affordable housing needs of the city's developmentally and physically disabled residents and the city's lower income working families. To further that end, the city should create **a specific plan for FDC** which would allow high density residential throughout the 109 acres. The city should also issue a request for proposal for the creation of **a master plan** for a housing village at FDC.

7. **Measure Y is Costa Mesa's largest unique constraint to development because it incentivizes less dense, and thus unaffordable development, and perpetuates exclusionary zoning. The city council should adopt a policy to exempt from Measure Y any projects approved under the inclusionary zoning ordinance which contribute units toward meeting the city's extremely low-, very low-, and low-income RHNA requirements.**
8. **The city should provide further analysis on the constraints for the three large sites (Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza) which are in the 2021-2029 sites inventory but are currently under development agreements. Specifically, the city should analyze the affordability assumptions of "15% lower income" for these three sites in light of each site's respective development agreement and whether that development agreement will be affected by the city's anticipated future adoption of an inclusionary housing ordinance.**
  - a. Sakioka Lot 2 and Home Ranch have been vacant for decades. How realistic is it that these two sites will be developed in the 2021-2029 cycle?
  - b. Though these three large sites are in the 2021-2029 sites inventory, because they are each currently under a development agreement, they will be exempt from the requirements of the inclusionary housing ordinance the city intends to adopt. The only way these sites would be bound by that ordinance is if the property owners opt into future General Plan and zoning regulations. This fact was confirmed during the city's consideration of the proposal to extend Sakioka Lot 2's Development Agreement. The city confirmed that "if the Agreement were extended, and if an inclusionary housing ordinance was adopted along with future General Plan and zoning regulations, the developer would need to comply with the inclusionary housing ordinance **IF** they opted to develop per the future General Plan and zoning regulations."<sup>3</sup>
  - c. On April 6, 2021, the city council extended the Development Agreement for Sakioka Lot 2 for an additional 10 years. Prior to that extension, the city's Planning Commission recommended the Development Agreement include affordable housing requirements to help achieve the city's RHNA goals.<sup>4</sup> The property owner, however, was only interested in having Sakioka Lot 2 identified as a housing opportunity site; **he was not "amenable" to any affordable housing requirements.** Given the property owner's recent strong opposition to including any affordable housing provisions in the extended Development Agreement, it seems unrealistic to assume the property owner will prioritize the

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<sup>3</sup> Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, March 18, 2021, p. 11.

<sup>4</sup> Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 9-10.

development of housing affordable to lower income households in developing the property.

- d. Similarly, in applying the “15% lower income” assumption to these three large properties, it seems the city is over relying on the assumption that the developers will use the city’s existing density bonus to produce affordable units. It should be noted **the density bonus alone has not been effective in producing affordable housing** for lower income households. From 2014-2020, only 30 permitted units were issued at low and very low income.<sup>5</sup> Of those, **only 9 units** are deed restricted at very low and 21 units are non-deed restricted ADUs at very low and low income.
- 9. The city should add a chart specifying both the current allowable density and the proposed new density for each of the sites identified for rezoning to accommodate the city’s 2021-2029 RHNA.** This information will help the public understand the proposed zoning changes.
- 10. The city should strengthen Program 3F: Motel Conversions, Efficiency Units, and Co-living Housing Types to include long-term resident protections through anti-displacement, right-of-first refusal and relocation benefits strategies.**
- 11. The city should include a stand-alone program to make mid-cycle adjustments if production is not moving forward on identified large sites and if production falls short of the expected yield during the first half of the planning period.**

Thank you for considering these recommendations for further revisions to and clarifications of the draft 2021-2029 Housing Element update. We welcome the opportunity to continue our dialogue with the city to ensure that the draft Housing Element includes effective policies that will result in new affordable homes for extremely low-, very low- and low-income working families in Costa Mesa.

Sincerely,

*Kathy Esfahani*

Kathy Esfahani  
For The Costa Mesa Affordable Housing Coalition

cc: Paul McDougall, California Housing and Community Development Department  
Richard Walker, Public Law Center  
Cesar Covarrubias, The Kennedy Commission

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<sup>5</sup> Planning Commission Agenda Report- 2020 Annual Review of the Costa Mesa 2015-2035 General Plan, City of Costa Mesa, p. 5, April 26, 2021.

**From:** [Elizabeth Hansburg P4H](#)  
**To:** [Chen, Nick](#); [ASHABI, MINOO](#)  
**Subject:** Examples of Workforce Housing by a Market rate developer  
**Date:** Wednesday, February 10, 2021 2:23:55 PM

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Done by a private developer, large, 5+ bedrooms, to serve multi-gen families. The project they did in Fullerton did not have enough open space, IMO, but they hit the product type 100%.

<https://www.urbanpacific.com/creating-affordable-homes-for-multigenerational-living/>

<https://www.urbanpacific.com/education/urban-pacific-announces-the-start-of-construction/>

--

**Elizabeth Hansburg**

Co-Founder & Executive Director



c. (714) 872-1418

e. [elizabeth@peopleforhousing.org](mailto:elizabeth@peopleforhousing.org)

**[Click here to become a member of People for Housing!](#)**

**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#)  
**Subject:** FW: 19th Street  
**Date:** Tuesday, September 14, 2021 5:59:53 PM

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**From:** Eric Markle <ericmarkle@gmail.com>  
**Sent:** Tuesday, September 14, 2021 5:55 PM  
**To:** Housing Element <housing-element@costamesaca.gov>  
**Subject:** 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.

The Golf course is a better option.

19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.

Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!

Eric Markle

--

Eric Markle

[His Word Your Story Podcast](#)

[LinkedIn](#)

[Instagram](#)

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**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#)  
**Subject:** FW: Comments on Fair Housing Elements Draft  
**Date:** Tuesday, September 14, 2021 8:58:09 AM

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**From:** Betsy Densmore <greatmexgrill@gmail.com>  
**Sent:** Monday, September 13, 2021 10:04 PM  
**To:** Housing Element <housing-element@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>  
**Cc:** info@fairhousingelements.org  
**Subject:** Re: Comments on Fair Housing Elements Draft

Good evening,

It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.

Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases that currently consume much too much of their income.

I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.

Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.

Thank you for serving us!

Best Regards,

*Betsy*

Elizabeth Densmore, Business Manager/Co-owner

Great Mex Grill LLC

[www.greatmexgrill.com](http://www.greatmexgrill.com)

[greatmexgrill@gmail.com](mailto:greatmexgrill@gmail.com)

949-500-2381

On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <[betsydensmore52@gmail.com](mailto:betsydensmore52@gmail.com)> wrote:

To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,

Betsy

Betsy Densmore

[betsydensmore52@gmail.com](mailto:betsydensmore52@gmail.com)

949-500-2381

*"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Franks*

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**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [ARIOS, JUSTIN](#); [Chen, Nick](#)  
**Subject:** FW: Community Profile  
**Date:** Monday, September 6, 2021 10:39:17 AM

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[Please add to public comments.](#)

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**From:** ronronron@juno.com [mailto:ronronron@juno.com]  
**Sent:** Sunday, September 5, 2021 4:30 PM  
**To:** Housing Element <housing-element@costamesaca.gov>  
**Subject:** Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#)  
**Subject:** FW: Concerns regarding Proposed W 19th Street Development  
**Date:** Tuesday, September 14, 2021 3:45:10 PM

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**From:** Holly Rahill <holly.rahill@gmail.com>  
**Sent:** Tuesday, September 14, 2021 3:38 PM  
**To:** Housing Element <housing-element@costamesaca.gov>  
**Subject:** Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill  
Costa Mesa Resident & Home Owner

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**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#); [ARIOS, JUSTIN](#)  
**Subject:** FW: Costa Mesa Draft Housing element study session  
**Date:** Monday, September 13, 2021 6:00:16 PM

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**From:** Aaron Klemm [mailto:[aaron\\_klemm@hotmail.com](mailto:aaron_klemm@hotmail.com)]

**Sent:** Monday, September 13, 2021 5:48 PM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>; Housing Element <[housing-element@costamesaca.gov](mailto:housing-element@costamesaca.gov)>

**Cc:** [info@fairhousingelements.org](mailto:info@fairhousingelements.org)

**Subject:** Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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**From:** [ASHABI, MINOO](#)  
**To:** [Chen, Nick](#); [LE, JENNIFER](#)  
**Subject:** FW: Draft Housing Element 2021-2029  
**Date:** Thursday, September 2, 2021 9:20:50 AM

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**From:** Nancy Henning <nphenn@gmail.com>  
**Sent:** Thursday, September 2, 2021 8:56 AM  
**To:** Housing Element <housing-element@costamesaca.gov>  
**Subject:** Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

\*\*\* Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,

N. Henning

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**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#); [ARIOS, JUSTIN](#)  
**Subject:** Fw: Housing Element comments  
**Date:** Thursday, November 19, 2020 8:17:37 AM

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**From:** Russell Toler <[russell.toler@gmail.com](mailto:russell.toler@gmail.com)>

**Sent:** Wednesday, November 18, 2020 9:01 PM

**To:** Housing Element

**Cc:** CITY COUNCIL; HARLAN, JEFFREY; PERKINS, MARC; TOURJE, JENNA; ZICH, JON; COLBERT, KEDARIOUS; DEARAKAL, BYRON; RUSSELL, DIANNE

**Subject:** Housing Element comments

Hello,

I wanted to provide some comments on the Housing Element update.

There is a full range of historic housing types in between the single family home and the big ugly apartment complex. The “Missing Middle Housing” types – duplexes, quadplexes, rowhouses, and other small multi-family buildings – with good development standards, can all fit well within whatever shades of neighborhood character we’re hoping to create or preserve, including our R-1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes (so that families can stay close and people can age in place, among other benefits). I hope that through this update, we focus not just on big projects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small projects. A big reason this sort of incremental development often doesn’t pencil out because of parking requirements, which brings me to my next point: cars.

As we grow, we need to figure out how to become less of a car-dependent and car-oriented city, otherwise the NIMBYs are right – we’ll be a tangled mess of traffic, which no one wants. So to what extent is this new document going to deal with the question of how to uncouple housing from the car demand (or toll) that unnecessarily comes with it? As we try to accommodate 11,000 units over the next 10 years, what are we doing to ensure that owning a car and is optional rather than virtually required?

Lastly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the context of how we want our city to look, feel, and function. How will the occupants of the new housing get around? How will the developments fit into the existing urban fabric and contribute to the neighborhood they’re in? How will the new buildings relate to and shape the public space they sit on? We don’t want islands of amenity-rich high-density housing fortress-ed in from bleak rights of way and full of people who never leave the property without a car (if you want to know what I’m describing, drive up [Jamboree](#) in Irvine some time). The sustainable, equitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler (lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay)

DRAFT

**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#); [EMERY, SUSAN](#); [ARIOS, JUSTIN](#)  
**Subject:** FW: Opinión  
**Date:** Monday, February 15, 2021 8:09:30 AM

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FYI,

We had a comment submitted in Spanish that Andy translated for us.

-----Original Message-----

From: GODINEZ, ANDY  
Sent: Sunday, February 14, 2021 11:15 PM  
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>  
Subject: RE: Opinión

Minoo,

To the best of my ability I translated the email below:

"I just wanted to know how much importance will be placed on the comments that are posed by tenants? The importance shouldn't just be placed on the comments posed by business and property owners, but also the people who inhabit those properties. Because without the tenants, the property owners cannot prosper."

Please note that LOA I QUIMONOS is not a word, so I am assuming they meant LOS INQUILINOS, which means THE TENANTS.

Also, it seemed to be one run on sentence so I had to break it into a question and two sentences.

The last portion seems to be a Bible verse and I believe it is being used as part of their signature, so I didn't feel the need to translate that.

Andy Godinez  
Code Enforcement Officer  
Community Improvement Division  
77 Fair Drive  
City of Costa Mesa, CA 92626  
OFFICE HOURS:  
MON.-THURS. 7:00 AM – 5:30 PM  
Office: (714) 754-5209  
Fax: (714) 754-4856  
[Andy.Godinez@costamesaca.gov](mailto:Andy.Godinez@costamesaca.gov)

-----Original Message-----

From: ASHABI, MINOO  
Sent: Sunday, February 14, 2021 11:24 AM  
To: GODINEZ, ANDY <[andy.godinez@costamesaca.gov](mailto:andy.godinez@costamesaca.gov)>  
Subject: FW: Opinión

Hi Andy,

We have received this email; could you please translate?

-----Original Message-----

From: Dalia Silva [[mailto:slater81017@gmail.com](mailto:mailto:slater81017@gmail.com)]

Sent: Saturday, February 13, 2021 3:31 PM  
To: Housing Element <housing-element@costamesaca.gov>  
Subject: Opinión

Solo quería saber que tan importante son los comentarios de loa i quimonos, porque no solo importa la opinión de los comerciantes y dueños de casa sino del que los habita, porque sin el inquilino, los arrendatarios no pueden prosperar.

Juan 3:16

Porque de tal mantra amo Dios al hombre que dio a su hijo unigenito para que todo aquel que en El crea no se pierda mas tengo vida eterna.

**From:** [ASHABI, MINOO](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#)  
**Subject:** FW: Proposed W 19th Street Development  
**Date:** Tuesday, September 14, 2021 4:00:53 PM

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**From:** Kyle Harper <Harper.Kyle@outlook.com>  
**Sent:** Tuesday, September 14, 2021 3:47 PM  
**To:** Housing Element <housing-element@costamesaca.gov>  
**Subject:** Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper  
HarperPromotional  
949.278.1055  
Sent from my iPhone

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

**From:** [ASHABI, MINOO](#)  
**To:** [ARIOS, JUSTIN](#); [Chen, Nick](#); [LE, JENNIFER](#)  
**Subject:** FW: Public Comment: City of Costa Mesa Housing Element Update  
**Date:** Thursday, September 2, 2021 6:02:55 PM

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**From:** Matthew Sheehan <matthewmsheehan3@gmail.com>

**Sent:** Thursday, September 2, 2021 6:02 PM

**To:** CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; Housing Element <housing-element@costamesaca.gov>

**Cc:** info@fairhousingelements.org

**Subject:** Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,

Matthew Sheehan

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

August 17, 2020

Dear City of Costa Mesa:

St. Joseph Hospital is an acute-care not-for-profit faith-based hospital founded in 1929 by the Sisters of St. Joseph of Orange, located in the City of Orange, California. St. Joseph Hospital has 465 licensed beds, 379 of which are currently available, and a campus that is approximately 38 acres in size. The hospital's Primary Service Area includes the cities of Orange, Santa Ana, Tustin, Anaheim, Garden Grove, Villa Park, and Westminster. Major programs and services include cardiac care, critical care, diagnostic imaging, emergency medicine, obstetrics and behavioral/psychiatric services. St. Joseph Hospital dedicates resources to improve the health and quality of life for the communities it serves, with special emphasis on the needs of the economically poor and vulnerable.

Over the past two years, St. Joseph Hospital along with 13 other Community-based Organizations have been working together to address the issues of Economic Development, Housing, and Mental Health. In Central Orange County. The goal is to impact systemic change and determinants of health. In addition, St. Joseph Hospital has identified Homeless & Housing as one its key priorities of focus over the next three years. We will develop strategies to address lack of affordable housing under the framework of equity and racial disparities. We firmly believe that in order for communities to thrive, there must be equitable systems in place that support social consciousness, economic stability, and diverse development.

As you are aware, Housing Elements for the 6<sup>th</sup> cycle period (2021-29) are due to the California Department of Housing and Community Development by October 2021. St. Joseph Hospital understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6<sup>th</sup> cycle Housing Elements.<sup>1</sup> Together with local housing advocate groups, we support their efforts on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

St. Joseph Hospital seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element..." Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, St. Joseph Hospital requests that the City include us and our local housing advocates in the upcoming Housing Element review and evaluation of the current 5<sup>th</sup> cycle planning period goals, policies, and accomplishments.

St. Joseph Hospital further requests that the City conduct a robust public participation process for the 6<sup>th</sup> cycle Housing Element update and that it incorporate St. Joseph Hospital, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach and community planning process.

To ensure adequate public participation St. Joseph Hospital recommends the following:

1. The City should engage community participation and feedback at all stages of the Housing Element review and update. Participation should not be limited to public hearings.
2. The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.
3. The City's public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.
4. The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.
5. The City should include affordable housing advocates in any anticipated Housing Element Work Group and provide the opportunity for them to provide their analysis on 5<sup>th</sup> cycle RHNA progress and be a part of developing policy recommendations on the 6<sup>th</sup> cycle update.
6. The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please feel free to contact me at (714) 771-8000 Ext. 17535 or [Cecilia.Bustamante-Pixa@stjoe.org](mailto:Cecilia.Bustamante-Pixa@stjoe.org).

Sincerely,

*Cecilia Bustamante Pixa*

Cecilia Bustamante Pixa, MPH, MHCML  
Director, Community Health Investment

<sup>1</sup>California Government Code § 8899.50 (Assembly Bill 686).

Mr. Mayor, Members of the City Council,

I felt that it would be helpful to write out some thoughts on the Housing Element in hopes that it might both shape the document and help keep the conversation going in what I believe to be a good direction. Although much of what I say in this letter is aspirational, I truly believe that Costa Mesa - much more than most of our neighbors - is set up to grow *well* into a leafy, sustainable, interesting, and beautiful urban city. Some of what is written below is immediately applicable to the task at hand (updating the Housing Element), while some of it is applicable to the larger task of updating the Circulation Element and Title 13 of the Municipal Code (zoning) in the wake of the updated Housing Element.

Please note that the ever-present risk of discussing these things is that certain terms and ideas are likely to present themselves very differently in each of our heads. To keep this letter from getting too long, I'm taking that risk. I've provided links throughout and resources at the bottom that might help refine the things I'm trying to say, and I'm also always available to chat.

*The entire planning profession can be boiled down to "how do we fix the problems caused by cars and apartment bans without banning cars or allowing apartments"*

- Someone on Twitter

## **1. The shape of the city**

A good, healthy city is a collection of complete neighborhoods. *Complete* neighborhoods are geographically finite areas with civic, cultural, and commercial uses embedded into them. They also have a variety of housing types (among other benefits, like the mixing of ages and socio-economic status, this allows people to move through stages of life without having to leave their neighborhoods behind). This idea that neighborhoods are limited in size<sup>1</sup> is key. We often talk about how complete our *city* is (citing the number of dwellings, amount of office and commercial space, etc.), but what *matters* is the [proximity of everything](#). That is really the whole point of a city. But when we disregard the [human scale](#), we create a contradiction of a city. When civic, cultural, and commercial uses, and different housing options are embedded into our neighborhoods and within comfortable walking

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<sup>1</sup> A complete neighborhood should roughly have a ¼ mile radius (5-minute walk), since that is the distance that people are generally willing to walk before opting to drive instead.

distance of each other, the city can flourish. But when they are grouped into sectors, miles away from each other and only accessible by car, the city *cannot* function well.

I say this because we need to think about what each neighborhood is lacking before designating vacant or underutilized lots as “opportunity sites” for housing.<sup>2</sup> This is important to remember, because once land is developed, it stays like that for a very long time. However good an increase in housing supply may be, a neighborhood which contains nothing but housing - or worse: nothing but one master-planned, centrally-managed product - is an incomplete neighborhood. Density without amenity is just car-dependent density. See this [great blog post](#) on the 5 Cs of neighborhood planning by urban designer Howard Blackson.

***My point:*** We need to make sure that this Housing Element is actively helping make all of our neighborhoods more complete. And we need to make sure that we aren't precluding the future “completion” of neighborhoods by planning for every last bit of available land to be filled in with nothing but more housing.

## **2. Regulating What Matters**

As with many other cities, it's our development standards that are largely responsible for our shortage of housing. Pre-WWII neighborhoods that represent the best of what we're trying to imitate with our R-1 standards contained a variety of building types, densities, and even uses. What we like about them is that the streets are lined with shade trees, cars move slowly, the buildings are mostly one or two stories and aren't too wide, they have conspicuous front doors and big front windows, they have porches and small gardens in front that make for comfortable transitions between private and public space, etc. If these (and whatever else we identify as the features that make such places desirable) successfully embody the spirit of what R-1 is intended to be, then *these* are the things that we should be regulating. And the same principle applies to whichever type of environment we're trying to achieve - whether we're talking about R-1-type streets or whatever the subsequent “clicks up” are.<sup>3</sup>

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<sup>2</sup> This requires a lot-by-lot analysis, but for a simple example - have we identified any land as an “opportunity site” that is in a park-poor neighborhood? (see General Plan [Figures OS-R 2 & 3](#)).

<sup>3</sup> The subsequent “clicks up” shouldn't be on their own, far away: they should be embedded into the same neighborhoods - or even blocks!

But rather than regulating the physical things that matter, we've been regulating the abstract things that no one actually cares about. Density caps, [minimum lot sizes](#), and [costly parking mandates](#) are three principal zoning culprits that have kept traditional American housing types - those that can deliver good density at multiple scales - out of our city.<sup>4</sup> As a result, our neighborhoods are frozen: single-family homes are selling for millions of dollars, and the only other product that gets built are distorted variants of the single-family home - crammed together unnaturally on jointly-owned lots, often turned away from the public realm. But we need to get our development codes right (code the things that we actually care about) so that our "built-out" parts can be liberated to evolve [incrementally and organically](#).

There are many potential housing types that should be embedded into our neighborhoods, but are simply coded out. Missing middle housing traditionally refers to multiplexes that are the general size and shape as houses and therefore integrate seamlessly into R-1-type environments. But there are many other possibilities of types that are larger than missing middle products, but smaller than wraps or podiums, that - if done well - can work just fine in the *right parts* of each of our neighborhoods. We need to not only allow, but actively facilitate these "small" multi-family, or even mixed-use, infill projects. See [here](#) for some examples. We should not be depending on mega-projects to deliver all of our new housing.

Much of what I'm trying to get at is summed up in this line from [a great Strong Towns post](#) by Daniel Herriges:

*Let single-family homes become duplexes and triplexes. Let small apartment buildings, 8 to 12 units, go up on corner lots. Let mom-and-pop stores and cafes open in these areas to serve growing populations.*

Then there are the large parcels in the city - both those still undeveloped and those that are ripe for redevelopment. Historically, large sites have been developed as sealed off pods of a single building type. [Monticello](#) - the 20 acre mega-project that turns its back on 3,000 feet of public streets - may have been the first of this type in town, and until recently have been in the form of garden apartments, like [these](#), [these](#), [these](#), [these](#), and [these](#). But this model of development neglects the most *fundamental* principles of city-making: **urban**

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<sup>4</sup> To take the simplest example: currently, how could you build a duplex in R-2? To subdivide your land, each new parcel would need 12,000 square feet and 100 feet of frontage(!) To build on an existing, smaller parcel, you would be allowed one unit per 3,630 square feet of lot area (meaning that you would not be able to build a duplex on a typical 6,000 square foot lot). If your lot has been that size since 1992, however, you can build a duplex - but only if you can fit 5 parking spaces on it.

**land should be carved into small, walkable blocks, public open spaces, and streets of shared use; buildings should address, and take pedestrian access off those spaces.**

These are the characteristics that every desirable urban environment shares. But look what we're still allowing to happen with [Superior Pointe](#), [17th West](#), [The Enclave](#), and [Miraval](#). The edge buildings in the first two at least address and take access off the street (though with questionable frontages), while The Enclave and Miraval have followed in the tradition of walling themselves off from the outside world. Rather than authentic places, these are all homogenous (in so many ways) faux-"communities" - unstitched from the fabric of the surrounding environment, impenetrable by the public, and wholly unable to evolve. You have to leave the whole project if your financial situation changes, if your family grows, or if it's time for grandma to be closer. We are making static, stagnant *projects* rather than *places* - despite how they are branded and marketed.<sup>5</sup> This is largely a matter of getting our codes right, and it should not have to require a colossal effort.

***My point:*** *Our existing neighborhoods cannot be frozen and protected from any change. We need to make sure that our code is set up so that the change that does happen is incremental, context-sensitive, and in the right parts of each neighborhood. For the bigger projects, we need to especially make sure we have better subdivision standards. In all contexts, we should be regulating the things we actually care about, so that each project contributes to the aesthetic quality of our "urban commons."*

### **3. Corridor Visioning**

I have heard the idea from the dais that we might want to articulate a vision - or visions - for our corridors, and even regulate them with form-based codes. I want to throw in my support. Like much of Southern California, our grid of corridors is a result of the Public Land Survey System from long before our time. When the functional classification system of highways is applied to this pattern, the result can only be seen as ideal by the most myopic observer. Look what has happened to places like [Huntington Beach](#). We instantly recognize this interpretation of what a street is supposed to be as *not good*, yet we've been allowing the same thing to happen - project-by-project - along what perhaps is our corridor with the most potential: Harbor Blvd. Look at all the new development (for example [Blue Sol](#), [Twenty8](#), [Aura](#), [Azulon](#)) and note what they have in common - they don't want to have

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<sup>5</sup> [580 Anton](#) is a different sort of project, but errs in the same way as many others. The entirety of the ground floor that is adjacent to the public realm - 700 feet of frontage - is dead. A lot of planning energy went into this project, yet the building fails in its most basic role (from an urban design perspective): shape and engage with the public space of the street. In the core of the City of the Arts, we need to do a better job of communicating our belief that beauty actually matters.

anything to do with Harbor Blvd. This is understandable, since we've allowed Harbor Blvd. to become a high-speed 6+ lane highway (making it a convenient place to *drive through*, but a very unpleasant place to *be*). We also - bewilderingly - have been allowing (even more) single-family homes to back right up to the boulevard. Is this consistent with our vision for our corridors? Is the future of Harbor Blvd. [a high-speed channel of privacy walls](#) with the backs of low-density, car-dependent housing on either side? The Planning Commission recently reviewed the plans for a new car wash to be built on a commercially-zoned lot on Harbor and Dale. I checked the zoning: 2 stories maximum, 20-foot setback required for both streets, FAR capped at 0.4, etc. It's no wonder that a car wash is moving in. Each new development betrays the embarrassing fact that we don't know what we want. We don't have a vision.

We would be wise to remember Principle no. 19 of the [Charter of the New Urbanism](#) (which is worth reading in its entirety): *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.*

The establishing of a form-based code would force us to figure out what the barriers to development are, what the market can support, and what ideal-yet-practical buildout *should* look, feel, and function like. The development code, then, would be set up to deliver physically-predictable results that are consistent with that vision, and with as little headache as possible each time an application comes in.

**My point:** *Yes to visioning our corridors, yes to code revisions in light of those established visions, yes to form-based zoning if necessary.*

#### 4. Open Space

*When the countryside is far away, the city becomes a prison.*

- Christopher Alexander

In Southern California we've carpeted the land with low-density, car-dependent sprawl. In our worst suburban pockets, we lack both the benefits of the city *and* the benefits of the country. A wise response is not to try to freeze growth and long for more rural times. Nor is it to swing the other way and hastily welcome any and all growth. Our best approach is to strategically do what we can to control *the shape and character* of our city as the market and the State push us to grow (see No. 1, above). This obviously applies at all scales and should permeate all of our discussions about everything planning-related, but what I'm bringing up

here is the topic of semi-wild, easily-accessible open space *within* the city. The concept of “transfer of development rights” (TDR) programs is traditionally applied to cities that want to curb outward sprawl and protect surrounding farmland. It is dependent on the not-ideal system of regulating the abstract concept of density via the DUA metric. While I very much hope that we can stop regulating density through zoning at the parcel level, the DUA caps at the Land Use Plan<sup>6</sup> level may suffice to make a program like this viable. We have some very large vacant and underutilized parcels in the city, and it would be folly to let them just get paved over without considering whether they (in whole or part) might be opportunities to get more quality open spaces in the city that are easily-accessible to more people. This approach has the added benefit of not requiring that the city purchase the land: the property owner only sells the *rights* to build a specified number of units to another property owner elsewhere, and maintains ownership of the land - with a newly-recorded easement. I’ve never seen TDR programs set up like this before. But I don’t see why the idea wouldn’t be worth exploring if we are truly interested in rewilding parts of our city and providing more quality open space to more people as we densify.<sup>7</sup>

Having said that, we also need to recognize the obvious: the topic of urban open spaces and the lack of access to them is a modern, self-inflicted problem. The most common open space is the space between buildings - streets. But since we’ve allowed most of our streets to be monopolized by cars - and therefore unsafe and unpleasant for people outside of vehicles - none of it “counts.” This really is amazing, considering the amount of open space there is in the city and how close it is to all of us! Instead, we provide pockets of turf with plastic play equipment where we can manage, but leave it up to residents to figure out how to navigate to those places safely through a network of disqualified open space that is dominated by fast-moving cars. Whenever we talk about the need for open space, we need to also talk about the need to [reconceptualize our streets](#).

***My point:*** *We need more public open space, and we need it more easily-accessible to more people. This topic increases in importance as we increase in population. A TDR program might be one means towards this end, or maybe we have better ideas. Our streets should serve as public open space too, but they cannot fulfill this basic role when driving convenience is treated as the highest good.*

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<sup>6</sup> Using DUA at the Land Use Plan level is fine. It should *inform* our zoning. But when the metric is being applied parcel-by-parcel through zoning, it is being used inappropriately.

<sup>7</sup> I am using semi-wild spaces (like Canyon, Talbert, and Fairview Parks) as a gold standard here, but other forms of accessible open space may work well too - especially those that might provide some revenue to the property owner.

## 5. Parking & Mobility

*In The High Cost of Free Parking, which the American Planning Association published in 2005, I argued that minimum parking requirements subsidize cars, increase traffic congestion, pollute the air, encourage sprawl, increase housing costs, degrade urban design, prevent walkability, damage the economy, and penalize poor people. Since then, to my knowledge, no member of the planning profession has argued that parking requirements do not cause these harmful effects. Instead, a flood of recent research has shown they do cause these harmful effects. Parking requirements in zoning ordinances are poisoning our cities with too much parking. Minimum parking requirements are a fertility drug for cars.*

- Donald Shoup

*The right to access every building in a city by private motorcar, in an age when everyone owns such a vehicle, is actually the right to destroy the city.*

- Lewis Mumford

Before we go too deep in our analysis of how much and what sort of housing is possible, we need to figure out what we're going to do about our costly on-site car storage mandates, AKA [parking minimums](#). Arguments in favor of keeping them can only be from the myopic perspective of the driver who has been accustomed to free and easy parking (and no traffic) wherever they go, despite how unrealistic and unsustainable that expectation may be. Arguments for their reduction or removal include [sound logic](#) and [big-picture thinking](#).

As we grow, our dependence on cars *needs* to weaken, and the comfort and convenience of getting around in more spatially-efficient ways *needs* to become more viable for more people. Right now, despite our aspirational statements about being a multi-modal city, our codes ensure that driving remains the most convenient option to get around - through the continued use of LOS, high on-site parking requirements, the limitation of FAR and DUA by estimated trip generation, etc.<sup>8</sup> As we prepare for this growth spurt, we need to figure out

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<sup>8</sup> Donald Shoup: *Consider the three main elements of city planning. First, divide the city into separate zones (housing here, jobs there, shopping somewhere else) to create travel between the zones. Second, limit density to spread everything apart and further increase travel. Third, require ample off-street parking to spread everything even farther apart and make cars the easiest and cheapest way to travel. Cities have unwisely adopted these three car-friendly policies. Separated land uses, low density, and ample free parking create drivable cities but prevent walkable neighborhoods. Although city planners did not intend to enrich the automobile and oil industries, they have shaped our cities to suit our cars.*

what we need to do to function and thrive as a car-lite city. If we allow the accommodation of cars to shape (and price) the development of 11,760 units, then [this problem](#) will be further entrenched for decades, and we will be marching away from our city and state climate goals. Now is the time to decide that we are going to grow sustainably (both spatially and environmentally), and calibrate our codes around more noble needs like beauty, green and active mobility, and affordable housing.

***My point:*** *If we plan for cars and traffic, we'll get cars and traffic. Right now, despite what we say, we are still very much planning for cars and traffic. The discussion of the future of local housing must be intertwined with the discussion of the future of local [access and mobility](#).*

I don't want any of the above points to be construed as hard-edged propositions. They are not intended as solutions, only ideas in an attempt to move the conversation in what I believe is the right direction. I want to push them to the front of our discourse over the vision of our city, and I hope that they can be on our minds as we continue to work out our future.

Thanks for reading,  
Russell Toler

## Resources

- [Blog Post: Density Done Well](#)
- [Publication: Density Done Well](#)
- [Book: Soft City](#)
- [Missing Middle Housing](#)
- [AARP Handbook for Improved Neighborhoods](#)
- [Users Guide to Zoning Reform](#)
- [Lean Code Tool](#)
- [Biophilic Cities](#)
- [Residential Infill Project \(Portland\) \(Oregon City\)](#)
- [Random examples of new "small" infill](#)

**From:** [ASHABI, MINOO](#)  
**To:** ["bustariley@aol.com"](mailto:bustariley@aol.com)  
**Cc:** [ARIOS, JUSTIN](#); [Chen, Nick](#)  
**Subject:** RE: Housing Element Comments  
**Date:** Monday, May 3, 2021 3:00:01 PM

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Hello Riley,

Thank you for your interest in the Housing Element Update. We will add your name to the interest list for future email blasts. You could also check the City's website for periodic updates including two new videos:

<https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

Your comment below is noted and will be included in the public comments provided to the City Council.

*Minoo Ashabi, AIA*  
*Principal Planner*  
*City of Costa Mesa*  
*714/754-5610*  
[minoo.ashabi@costamesaca.gov](mailto:minoo.ashabi@costamesaca.gov)

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**From:** bustariley@aol.com <bustariley@aol.com>  
**Sent:** Monday, May 03, 2021 2:54 PM  
**To:** Housing Element <housing-element@costamesaca.gov>  
**Subject:** Fwd: Housing Element Comments  
Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.

I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have all of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for \$570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time...raining...doctors appt...

errands...the list goes on & on).

2. We must set a housing “unit” to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I’m not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc...) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,  
Riley Watson

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**From:** [Cash Rutherford](#)  
**To:** [Kathy Esfahani](#); [Elizabeth Hansburg P4H](#)  
**Cc:** [Chen, Nick](#); [ASHABI, MINOO](#); [Rutherford Cassuis](#); [Dianne Russell](#)  
**Subject:** RE: Sharing Willowick proposal  
**Date:** Thursday, February 11, 2021 12:32:27 PM  
**Attachments:** [image001.jpg](#)

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Thanks to Minoo, Nick and TeamCM for meeting with us on the housing element update. Please do keep Kathy and the CM affordable housing coalition apprised of the process as it unfolds. We are eager to stay engaged.

Kudos to Elizabeth for sharing the info about Willowick – I think there are definitely some lessons learned in how to approach developing FDC.

All the best,

Cash

**Cash Rutherford**

**Field Coordinator, United to End Homelessness**

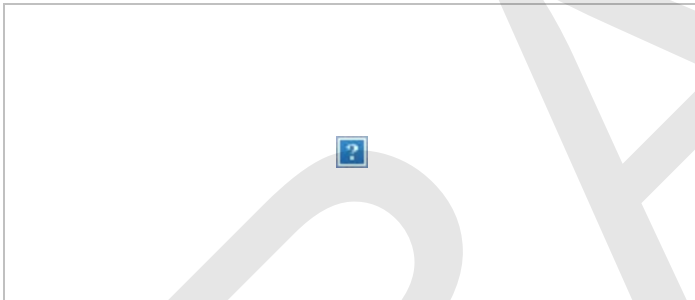
**Orange County United Way**

18012 Mitchell South, Irvine, CA 92614

Email: [CashR@UnitedWayOC.org](mailto:CashR@UnitedWayOC.org)

Phone: 949.477.4502

Mobile: 951.265.0461



**From:** Kathy Esfahani <kathy.esfahani@gmail.com>

**Sent:** Thursday, February 11, 2021 11:44 AM

**To:** Elizabeth Hansburg P4H <elizabeth@peopleforhousing.org>

**Cc:** nick.chen@kimley-horn.com; ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>; Cash Rutherford <CashR@UnitedWayOC.org>; Rutherford Cassuis <cashrutherford@gmail.com>; Dianne Russell <diannelrussell@gmail.com>

**Subject:** Re: Sharing Willowick proposal

Thanks very much, Elizabeth, for sending this. And thanks to Nick, Minoo, and all involved for hosting such a productive and satisfying meeting. We look forward to participating further in the Housing Element Update process.

Kathy

On Wed, Feb 10, 2021 at 3:10 PM Elizabeth Hansburg P4H

<[elizabeth@peopleforhousing.org](mailto:elizabeth@peopleforhousing.org)> wrote:

To be clear, this is a PROPOSAL, and no decision has been made, but for proof of concept, Willowick is a comparable site in size for FDC. It would be an interesting exercise to analyze how these partners are proposing to use the 90+ acres. The partners are City Ventures and Jamboree Housing.

--

**Elizabeth Hansburg**

**Co-Founder & Executive Director**

Image removed by sender.



c. (714) 872-1418

e. [elizabeth@peopleforhousing.org](mailto:elizabeth@peopleforhousing.org)

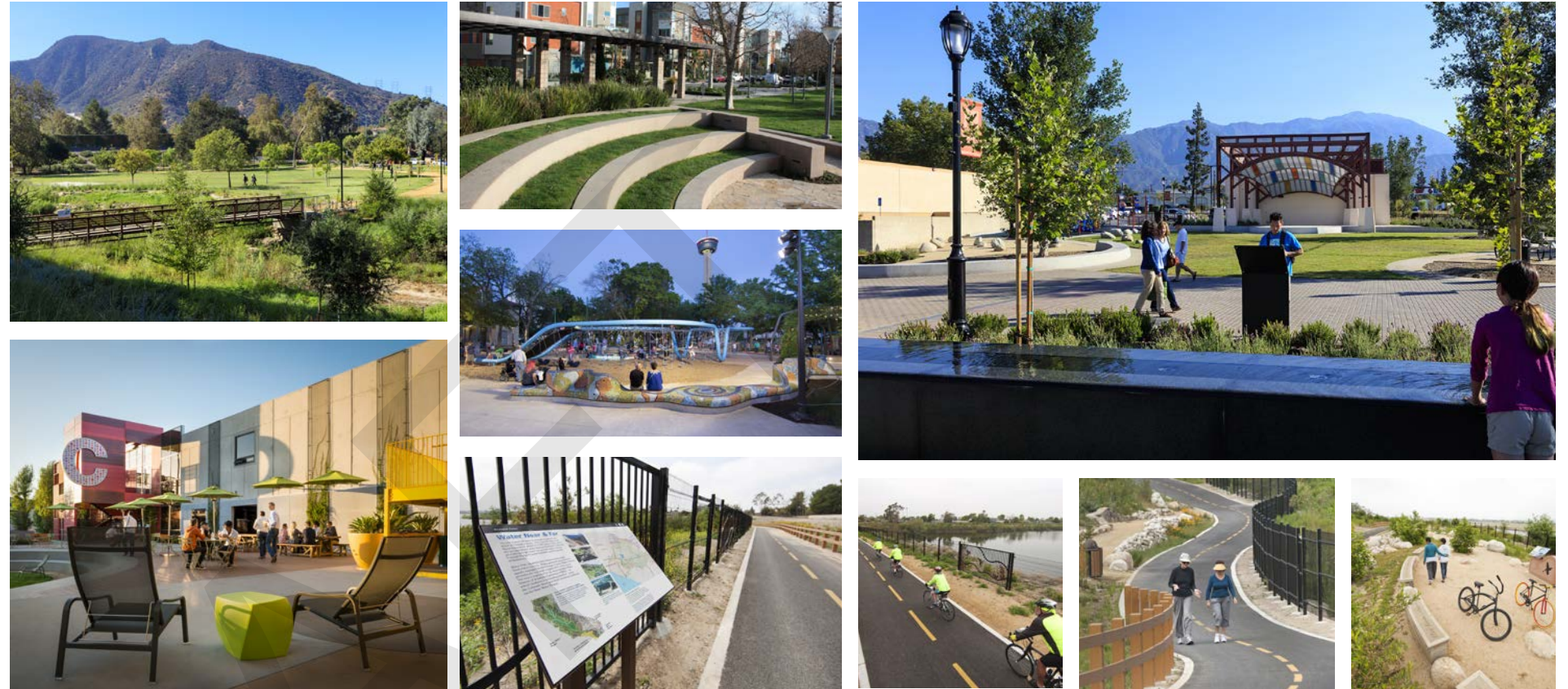
**[Click here to become a member of People for Housing!](#)**

DRAFT





### 3 RIVERFRONT PARK



### 4 COMMUNITY PARK



### 5 NEIGHBORHOOD VIBE







**From:** [Brent Stoll](#)  
**To:** [Chen, Nick](#)  
**Subject:** SCMW  
**Date:** Friday, March 12, 2021 9:31:04 AM

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Something to think about. Most of the council members and some of the planning commissioners have seen versions of this over the years.

<https://www.dropbox.com/sh/khkj4sk4j5e6qzz/AAAj7go8lWZBJ8804ndhkwcGa?dl=0>

**From:** [LE, JENNIFER](#)  
**To:** [ASHABI, MINOO](#); [ARIOS, JUSTIN](#); [EMERY, SUSAN](#)  
**Cc:** [Chen, Nick](#)  
**Subject:** Update  
**Date:** Friday, January 15, 2021 11:35:49 AM  
**Attachments:** [image001.png](#)

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Hi—

I had a meeting with Kathy Esfahani today of the Affordable Housing Coalition. They are gearing up to participate in the Housing Element and to launch an outreach effort asking Costa Mesa residents to support some bold policies they will be advocating for. Their outreach focus is on promoting understanding of who affordable housing residents are (workforce housing) and confronting density with visuals of example affordable projects. Although we have a different role than an advocacy group, their messaging is in line with ours in terms of promoting an understanding of density and affordable housing issues. These are both topics for our short videos being developed.

Their top 3 policy asks are:

- Inclusionary Housing Ordinance
- A land use plan for Fairview Development Center that incorporates a master planned housing village of sorts with a mix of densities including rentals and low to mod affordable housing mix including a PSH component. Current cap of 500 units and “golf course” style housing is not their vision. Possibly lobbying the State to put the property in a land trust.
- Amending Measure Y so as not to function as a barrier to housing.
- Not top 3 but other things that are priorities for them: Preserving affordable MH parks and motel conversions and ADUs as a potential part of a solution for affordable housing. Offered to be a facilitator of conversations on motel conversions with Hotel owners who they had a relationship with from past efforts (Mike Lin owner of Travelodge was mentioned).

We already have them on our list I’m sure, but they will be one to include in our stakeholders meeting and possibly a one-on-one meeting in the future as we develop our adequate sites analysis and policy plan.

Jennifer Le  
Director of Economic and Development Services  
City of Costa Mesa  
77 Fair Drive, Costa Mesa, 92626  
(714) 754-5617



*Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Please note: Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom’s direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor’s guidance and reduce the potential spread of COVID-19.*

# Costa Mesa Affordable Housing Coalition

March 23, 2021

Mayor John Stephens and City Council Members  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

## Re: Our Public Comments for the Housing Element Study Session

Dear Mayor Stephens and City Council Members:

The Costa Mesa Affordable Housing Coalition (the Coalition) applauds the extensive outreach efforts of city planning staff and the consultant in attempting to involve the community in the 2021-2029 Housing Element update. The Coalition has been glad to participate in many of these efforts and we appreciate the open minds and skillful listening displayed on the part of the city's agents.

Given the huge RHNA numbers assigned to Costa Mesa in the new planning period, and our community's desperate need for affordable housing, we urge the city to adopt in its Housing Element Update **bold policies** aimed at ensuring **affordable housing actually gets built** here. These are our major policy suggestions:

1. Adopt a highly effective inclusionary housing ordinance. The affordability requirement must hit the sweet spot: It should be high enough that it will help the city meet its RHNA numbers for low and very low income households, but not too high as to discourage development. We believe an excellent model is the inclusionary ordinance which works so well in Irvine. We note it is imperative the ordinance's in lieu fee is high enough to encourage developers to include affordable units in their project, rather than opt for paying the fee.
2. Amend Measure Y so it does not constrain the building of affordable housing. Additionally, we urge the city to interpret Measure Y as written as exempting from the "voter approval" requirement all developments which make at least 20% of their units affordable to low and very low income households.
3. Create a specific plan for the 100-acre Fairview Developmental Center site. The plan should allow densities of at least 60 units to the acre, with at least 20 percent of all units affordable to low and very low income households. Also, lobby the Governor's office to

get the state to either donate the property to the city for affordable housing development or sell the property at a discount to nonprofit developers for that purpose.

4. Create new overlay zones along major thoroughfares like Harbor Blvd. where mixed use development can replace failing strip malls with vibrant new communities of apartments, restaurants and small businesses, incorporating walking and bike trails. These overlays should require at least 20% of the housing to be affordable for low and very low income households.
5. Review and amend all specific plans and overlays in the city to include increased densities of 60 units/acre and a requirement of at least 20% affordable units.
6. Create a housing trust fund to hold the in-lieu fees generated by our new inclusionary ordinance, and prioritize in-lieu fees for use at the Fairview Developmental Center site/city-owned sites/affordable housing in overlay zones.
7. Create a land trust to hold donated land.

Thank you for considering our input on this crucial planning document. We look forward to partnering with you to increase affordable housing in Costa Mesa. Please let us know if you have any questions.

Sincerely,

*Kathy Esfahani*

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor John Stephens and City Council Members  
Cesar Covarrubias, Kennedy Commission  
Richard Walker, Public Law Center

August 3, 2020

www.kennedycommission.org  
17701 Cowan Ave., Suite 200  
Irvine, CA 92614  
949 250 0909

City of Costa Mesa  
77 Fair Dr  
Costa Mesa, CA 92626

Dear City of Costa Mesa:

The Kennedy Commission (the Commission), a broad-based coalition of residents and community organizations, advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has successfully partnered and worked with Orange County jurisdictions to create effective housing and land-use policies that have led to the new construction of homes affordable to lower-income working families.

As you are aware, Housing Elements for the 6th cycle planning period (2021-29) are due to the California Department of Housing and Community Development by October 2021. The Commission understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6th cycle Housing Elements.<sup>1</sup> Our work focuses on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

Further, the Commission seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element..." Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, the Commission requests that the City include us in the upcoming Housing Element review and evaluation of the current 5th cycle planning period goals, policies, and accomplishments. The Commission further requests that the City conduct a robust public participation process for the 6th cycle Housing Element update and that it incorporate the Commission, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach, and community planning process.

To ensure adequate public participation the Commission recommends the following:

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<sup>1</sup> California Government Code § 8899.50 (Assembly Bill 686).

1. **The City should engage community participation and feedback at all stages of the Housing Element review and update. Participation should not be limited to public hearings.**
2. **The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.**
3. **The City’s public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.**
4. **The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.**
5. **The City should include The Commission in any anticipated Housing Element Working Group and provide the opportunity for the Commission to provide its analysis on 5th cycle RHNA progress and be a part of developing policy recommendations on the 6th cycle update.**
6. **The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.**

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City of Costa Mesa to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please free to contact me at (949) 250-0909 or [cesarc@kennedycommission.org](mailto:cesarc@kennedycommission.org).

Sincerely,



Cesar Covarrubias  
Executive Director

# Costa Mesa Affordable Housing Coalition

January 26, 2021

Jennifer Le, Director of Economic and Development Services  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Re: Working Together on Policies and Programs for the 2021-2029 Housing Element Update

Dear Jennifer,

It was so nice to “meet” you in our recent Zoom call. As I mentioned then, the Costa Mesa Affordable Housing Coalition looks forward to discussing with you, your staff and the consultant the programs and policies Costa Mesa should include in its 2021-2029 Housing Element Update to address the City’s housing affordability crisis. We are eager to work with you to help the City meet its steep RHNA challenge.

This letter is advance notice of some of our “big ideas” for the Housing Element Update, to frame our upcoming discussion. We have many other ideas to share, but will save those for another time. Our overall goal for this Housing Element Update is that it will reflect the City’s commitment to *prioritize* and *facilitate* the development of rental homes affordable to lower income working families. Market rate (and above) housing has never needed much encouragement to flourish in Costa Mesa. Lower income housing, on the other hand, needs determined support from the City to ensure its development here. We suggest three key strategies for the City to pursue in that regard:

1. Reimagine the 100-acre Fairview Developmental Center (FDC) site as a master planned “housing village” which will provide housing for a broad spectrum of Costa Mesa residents at affordability levels from extremely low income through moderate income; advocate with state officials for donation of the entire 100-acre site for that purpose; take concrete steps at the local level to advance that policy.
2. Adopt a city-wide Inclusionary Housing Ordinance which requires a minimum of 15% of new housing development to be affordable to lower income households.
3. Identify Measure Y as a constraint in the production of housing affordable to lower income households and take steps to amend Measure Y so it no longer constrains that production.

## More detailed discussion of the three key strategies:

1. Create a “housing village” on the Fairview Developmental Center (FDC) site<sup>1</sup>

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<sup>1</sup> The current General Plan permits up to 582 residential units on FDC, with a mix of 250 single family units (6 du/ac on a minimum of 50 acres) and 332 multiple family units (40 du/ac).

- a. The City should reimagine the FDC site as a housing “village” which meets the housing needs of multiple segments of the community by providing rental housing at different income levels, from extremely low through moderate. The village should offer housing for young families just starting out as well as for lower income families with multiple children in need of larger (three- and four-bedroom) apartments; permanent supportive housing for the developmentally disabled community; veterans housing; and mixed-use housing which will allow village residents to work and shop in ground level retail and offices within the village, which itself incorporates generous parks and open space.
  - b. The City should commit to an intense lobbying campaign to convince Governor Newsom and the Department of General Services to donate the entire 100-acre site into the City’s (not yet established) affordable housing land trust for the purpose of facilitating the development of a substantial amount of the affordable housing required by the City’s large RHNA allocation.
  - c. The City should identify the *entire* FDC site as an opportunity site for lower and moderate income housing. The City should change the site’s current land use designation in the General Plan and its zoning to allow the site to be developed as a master planned “housing village” (described above), including allowable densities of 30-60 units to the acre and mixed-use housing.
  - d. The City should include a policy in the Housing Element Update to ensure affordable housing gets built at the FDC site, and a policy that requires the issuance of RFP’s for affordable housing at the site.
2. Adopt a highly effective Inclusionary Housing Ordinance containing the following elements:
    - a. A minimum of 15% of all new housing development will be set aside for *extremely low, very low and low income levels*.
    - b. The ordinance should include the following options for meeting the affordable housing requirement: build affordable units on-site or off-site; donate land into the City’s affordable housing land trust; pay an in-lieu fee (fee range \$10-\$20/sf or \$10K to \$20K per unit).
    - c. Create a housing trust fund to hold the in-lieu fees and create a land trust to hold donated land.
    - d. Prioritize in-lieu fees for use at FDC site/ city-owned sites/affordable housing in overlay zones.
  3. Amend Measure Y so it is no longer a barrier to meeting the city’s RHNA requirement for lower income housing.

- a. The Housing Element Update should identify Measure Y as a constraint in producing affordable housing.
- b. The Housing Element Update should include as a program that the City will take steps to amend Measure Y so it is no longer a barrier to meeting the RHNA requirement for extremely low, very low, and low income housing.

We look forward to partnering with you to increase affordable housing in the City and discussing these ideas at a meeting with you soon. Please let me know some available dates and I'll coordinate with members of our Coalition. Thank you!

Sincerely,

*Kathy Esfahani*

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor Katrina Foley and City Council Members  
Planning Commission Members  
Cesar Covarrubias, Kennedy Commission  
Richard Walker, Public Law Center

## Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the “inclusionary housing ordinance” which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more “granny flats”, in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that “affordable housing” will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units ( such as Section 8 ) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly “normal” citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

*Betsy*

Betsy Densmore

Resident:  
1006 Nancy Lane  
949-500-2381  
[Betsydensmore52@gmail.com](mailto:Betsydensmore52@gmail.com)

Sept 5, 2021

**From:** [REYNOLDS, ARLIS](#)  
**To:** [LE, JENNIFER](#); [Chen, Nick](#); [ASHABI, MINOO](#)  
**Subject:** Notes on draft HEA  
**Date:** Thursday, August 12, 2021 10:23:46 AM

You don't often get email from [arlis.reynolds@costamesaca.gov](mailto:arlis.reynolds@costamesaca.gov). [Learn why this is important](#)

All,

I spent about an hour skimming through the draft HEA and keeping these notes on the side. I certainly do not expect you to address every note. I'm sharing these for perspective and to share reactions from this westside reader. I highlighted what I think would be the most relevant comments that we may be able to address in an revised draft.

I'll try to get to the rest tonight!

- Cover page – as I mentioned on the call, my first reaction was that these images do not reflect the diversity we want to honor and protect; the image strikes at the common westside sentiment of “the city” wanting to replace us with they often referred to as “high quality families”. It may seem trivial, but the sentiment is real and we want people to feel welcome right away.
- Can we put our new mission statement up front in the document?
- Can we add a table of contents?
- Page 2 – in the interest of encouraging & facilitating community feedback, consider adding to this page:
  - Public Review Period
  - Instructions / opportunities to give feedback – e.g., email XXX; survey on website, etc. ; date of planning/council meeting
- Page 4 – I agree with Harlan's comments about the photos in general – let's show the diversity of existing housing stock to remind ourselves that we have a pretty big range of housing types already!
- Page 4, Role
  - Add the year range at the end of the paragraph – “over the eight-year planning cycle (2021-2019).”
  - Consider adding a statement that clarifies what the HE is and is not.... It is a planning document to show opportunities for housing development; it is NOT a housing plan in the sense that the city dictates construction. (I'm sure there is better language for this!)
- Page 8 – will we have an opportunity to review 2020 census data and update if necessary? Not sure if we anticipate any substantive changes from 2010.
- Page 9 – guiding principles
  - Seems to be a typo in the second principle
  - I thought we had a principle that touched on protecting/maintaining homes of existing residents or minimizing displacement... can we say something about that here, or minimizing impacts on existing residents? It's valuable to acknowledge that we are consciously trying to not create a plan that targets development/overhaul of specific neighborhoods.

If appropriate, it would be great to state upfront here our recognition of the existing diversity in housing stock and our recognition that this plan requires similar diversity/variety in housing solutions

- CH 2 – community profile
  - Table 2-8
    - What is the order here? Should these be in order from highest to lowest?
    - All but one job in this list is below the OC median income – is that accurate? I get that a family with two working adults will be above \$103... but my goodness!!!
    - source says American Community Survey. Are these numbers specific to Costa Mesa?
  - Page 19 – what is a “household” compared to a “housing unit”? Might be helpful to have definitions somewhere.
  - Table 2-9 – could we add a table note describing what “non-family household” includes? It sounds bad at first glance (no family!) I think includes senior living alone or young professionals alone or as roommates... totally normal!
  - Page 20 on Household income ---- would be really nice to have a call-out here describing housing burden and “ideal” ratio of income to rent/mortgage; and state that high housing burden reduces residents’ ability to spend in the local economy and make educational investments for example. (I see now the section on page 2-15.. but still think we can add something about why a community should care that some people are overburdened)
  - Figure 2-5 --- can we connect this somehow with the data in Table 2-8? E.g., with each income category, give an example of the type of job? I want to make sure we recognize the value lower income jobs have in community
  - Page 2-13 – this is a big statement! “For the City as a whole, 46.5 percent of households have at least one of the four housing problems.” Consider putting this in bold or a call-out box.
  - Table 2-20 – what is the definition of poverty, relative to the income levels?
  - Page 2-29 – what’s the conclusion about Costa Mesa’s vacancy rate..... would be good to include a statement on this. My takeaway is that Costa Mesa’s low vacancy rate (lower than average in OC) reflects high demand for living in the city and low housing stock available to meet that demand. If I’m right, this is an important takeaway
  - Page 2-31 – my takeaway is that 50% of our housing stock is at least 60 years old (yikes!) and 75% is at least 40 years old (yikes, yikes!). What does that mean for HE? Potential unsafe conditions? Need for new housing to replace old housing? Opportunity to add housing units with necessary rehabilitation?
  - Page 2-32 – Newport is just nuts!
  - Table 2-35 – this tells me that Moderate income families cannot afford to purchase a home in Costa Mesa, and most low income families cannot afford to

rent either. Is that right? Can we say something somewhere to acknowledge these are not the ingredients for a healthy community?

- Page 2-36 --- this would be the place to make a statement about the housing burden on Costa Mesa families. We should include also:
    - 46.5 percent of Costa Mesa households have at least one of the four housing problems.
    - Something on the low vacancy rate
    - Something about affordability
  - *I didn't see much about children/families with children – not sure what we can add here or what the data says, but I know that HOAG as found in its recent community analyses that housing stability is one of the top three health challenges in the community.*
- CH 3 -

**Archived:** Wednesday, March 3, 2021 9:12:10 PM

**From:** [ASHABI, MINOO](#)

**Sent:** Tuesday, November 17, 2020 4:18:40 PM

**To:** [ARIOS, JUSTIN](#)

**Subject:** FW: Feedback for City of Costa Mesa

**Response requested:** No

**Sensitivity:** Normal

---

Please add his name to the list and respond with the usual verbiage. Thank you.

---

**From:** AZAD, ARZO

**Sent:** Tuesday, November 17, 2020 8:19 AM

**To:** ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>

**Subject:** FW: Feedback for City of Costa Mesa

Minoo, please see email below...

*Arzo Azad*

Website Coordinator

City Manager's Office

(714) 754-5340

**From:** [webmaster@costamesaca.gov](mailto:webmaster@costamesaca.gov) <[webmaster@costamesaca.gov](mailto:webmaster@costamesaca.gov)>

**Sent:** Monday, November 16, 2020 4:25 PM

**To:** AZAD, ARZO <[arzo.azad@costamesaca.gov](mailto:arzo.azad@costamesaca.gov)>

**Subject:** Feedback for City of Costa Mesa

You have received this feedback from Herme Gonzalez <[herme778@icloud.com](mailto:herme778@icloud.com)> for the following page:

<https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

To whom it may concern, I feel as though the city needs to do something about the cars that are parked with no movement on the street. Parking is an ongoing issue and with less cars on the street better. PARKING GARAGES would be ideal in every few blocks to help with this. Thank you.

**Archived:** Wednesday, March 3, 2021 9:12:24 PM

**From:** [Fred Arnold](#)

**Sent:** Wednesday, November 18, 2020 2:57:29 PM

**To:** [Housing Element](#)

**Subject:** Housing Element Team update

**Sensitivity:** Normal

---

Attn: Minoo Ashabi, Principal Planner

I have been attempting To review and understand the new State and City requirements as it relates to Costa Mesa. With all due respect, I feel it is akin to theoretical science fiction. It is difficult to break it down to simple terms such as; high density impact. When traffic, waste removal, fire and flood emergencies etc. are factored in it runs into funding. I can't follow the money because there is none. Costa Mesa is broke. Orange County is broke. The State is broke and looking to the Feds for a bail-out. I see grants are mentioned but from who. More taxes? Please say it isn't so!

We will be watching. We're long term residents of Eastside Costa Mesa and care about the future of our home. Good luck.

Sincerely, Fred and Karen Arnold

**Archived:** Wednesday, March 3, 2021 9:12:32 PM

**From:** [Russell Toler](#)

**Sent:** Wednesday, November 18, 2020 9:01:1 PM

**To:** [Housing Element](#)

**c:** [CITY COUNCIL](#), [HAR, AN, JEFFREY PERKINS, MARC TOURJE, JENNA ICH, JON CO BERT, KE ARIOUS EARAKA, BYRON RUSSE, IANNE](#)

**Subject:** Housing Element comments

**Sensitivity:** Normal

---

Hello,

I wanted to provide some comments on the Housing Element update.

There is a full range of historic housing types in between the single family home and the big ugly apartment complex. The Missing Middle Housing types duplexes, triplexes, rowhouses, and other small multi-family buildings with good development standards, can all fit well within whatever shades of neighborhood character we're hoping to create or preserve, including our R-1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes so that families can stay close and people can age in place, among other benefits. I hope that through this update, we focus not just on big projects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small projects. A big reason this sort of incremental development often doesn't pencil out because of parking requirements, which brings me to my next point: cars.

As we grow, we need to figure out how to become less of a car-dependent and car-oriented city, otherwise the NIMBys are right—we'll be a tangled mess of traffic, which no one wants. So to what extent is this new document going to deal with the question of how to uncouple housing from the car demand or toll that unnecessarily comes with it? As we try to accommodate 11,000 units over the next 10 years, what are we doing to ensure that owning a car and is optional rather than virtually required?

Lastly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the context of how we want our city to look, feel, and function. How will the occupants of the new housing get around? How will the developments fit into the existing urban fabric and contribute to the neighborhood they're in? How will the new buildings relate to and shape the public space they sit on? We don't want islands of amenity-rich high-density housing fortressing in from bleak rights of way and full of people who never leave the property without a car. If you want to know what I'm describing, drive up [Amboree](#) in Irvine some time. The sustainable, equitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler: lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay

**Archived:** Wednesday, March 3, 2021 9:12:40 PM  
**From:** [ASHABI, MINOO](#)  
**Sent:** Thursday, November 19, 2020 4:10:53 PM  
**To:** [Steven C. Shepherd, Architect](#)  
**c:** [ARIOS, JUSTIN](#) [E. JENNIFER](#)  
**Subject:** Re: Thank You for last night's workshop I have a question  
**Sensitivity:** Normal

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Hi Steven,

Thank you for your participation we look forward to your continued input and other events for community engagement. Here are the responses to your questions. I hope you find these responses helpful, but feel free to reach out if you have further questions.

We will also include these questions as well as others presented last night on the general A document we are preparing and post it on the webpage.

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance?  
The City will need to adopt policies and programs that allow for development of housing at various locations and densities that in entirety address the allocated RHNA. The City is only required to change the general plan and zoning designations that would accommodate the growth but is not accountable for construction of the units. This effort will follow adoption of the Housing Element through a series of general plan amendments and zone changes (all subject to approval by City Council and potentially subject to Measure Y). The City is also required to submit an annual progress report to HCD (Dept. of Housing and Community Development) on development of housing during each year of the housing element cycle.
2. Is compliance based on identifiable land-use densities? *yes, please see above*
3. Since ADU's & Jr ADU are now allowed based on State law, how does that impact RHNA compliance?  
*HCD allows the City to count ADUs and JADUs toward RHNA but up to a percentage (latest information is 5 times the number of approved ADUs since 2018)*
4. If property currently designated as single-family residential was allowed "by-right" to convert a single-family residence into a duplex or triplex, how would that impact RHNA compliance?  
*Same as above, the City can only account for a certain percentage of construction or conversion related to ADUs based on past trends. We distinguish ADUs and JADUs as a second unit subordinate to the main house and subject to certain requirements (max. size, etc.), although triplex and duplexes could be the same size.*

*Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom's direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor's guidance and reduce the potential spread of COVID-19.*

Thank you!



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**From:** Steven C. Shepherd, Architect <steve@shepherdarchitects.com>  
**Sent:** Thursday, November 19, 2020 1:24 PM  
**To:** Housing Element  
**Subject:** Thank you for last night's workshop I have a question

Hello and Thank you for your very informative presentation workshop last night I learned a lot and really appreciated hearing the statements of residents.

I have a couple of very basic questions:

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance

2. Is compliance based on identifiable land use densities

3. Since ADUs and ADUs are now allowed based on State law, how does that impact RHNA compliance

4. If property currently designated as single family residential was allowed by right to convert a single family residence into a duplex or triple , how would that impact RHNA compliance

Sorry to ask such foundational questions, but I am trying to educate myself and have never really been involved these types of issues.

Thank you.

Regards,  
Steven C. Shepherd, Architect

P: 714 785 9404

[www.ShepherdArchitects.com](http://www.ShepherdArchitects.com)

**Archived:** Wednesday, March 3, 2021 9:12:50 PM  
**From:** [Nancy Henning](#)  
**Sent:** Monday, November 30, 2020 3:40 PM  
**To:** [Housing Element](#)  
**Subject:** 2013-2020 and 2021-2019 Costa Mesa Housing Element Plan  
**Sensitivity:** Normal

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I have a few questions re the 2013-2020 plan. I recently viewed it online due to some changes where I live...at Casa Bella Apartments... and am wondering if you have any recent info about the status of Casa Bella that you are allowed to share with residents. Possibly you can direct this email to the appropriate person if someone else handles these types of inquiries.

For your convenience, I copied the sections from your plan that I'm interested in below in this email. In November 2020, Casa Bella totally changed property management companies which included a new manager. So far communications have not been great possibly because the new manager was solely part time to begin and full time beginning this week. He is still getting organized. So far it seems the new company knows very little about Casa Bella and HUD though I could be wrong.

Several residents are worried including myself. We are worried that Casa Bella might be in the process of converting to market rates soon. Based on your 2013-2020 plan, it seems likely that the for-profit owner might wish to convert to market rates. But your plan also mentioned that the residents of Casa Bella would be given a year's notice and also be given Section 8 vouchers (see below). I'm not sure if that is what the City of Costa Mesa just wishes in order to help us or if it is mandatory for the owner to provide the year's notice as well as vouchers.

Also, if we are given Section 8 vouchers, can we use them anywhere in Orange Co or even anywhere in CA or out of state?

I realize that most likely the new management company will be notifying us eventually. Some of us are just wanting to get prepared ahead if this is the case...that Casa Bella converts to market rates possibly in 2021.

Thank you so much for any information you can provide,  
Nancy Henning  
See sections below if helpful...copied from your 2013-2021 plan...

Page 3 -37  
At Risk Status

Twenty-five properties with 15 affordable units have density bonus agreements that were executed mostly in the late 1990s. These agreements are expiring between 2018 and 2020. Among these units, 85 units are for very low income and 71 are for low-moderate income.

Another property, Casa Bella, is at risk of converting to market-rate housing or losing their low income subsidies within the next ten years. At Casa Bella, a total of 75 units are at-risk of converting to market rate rents over the next ten-year period. Specifically, Section 8 contract at Casa Bella is set to expire on September 11, 2015. Casa Bella is considered the highest priority, due to the owner being a for-profit entity. However, the City imposed a land use restriction on Casa Bella in exchange for the initial land write down, density increases, parking reductions and participation in HUD financing. The land use restrictions require Casa Bella to remain affordable for the length of the mortgage, 40 years. In other words, Casa Bella is not at-risk of converting to market rate through a mortgage prepayment. The risk with Casa Bella converting to market rate is associated with the termination of a tenant-based Section 8 contract.

Page 73....  
8. Preservation of At-Risk Housing

Overall, 231 housing units in the City of Costa Mesa are considered at risk of converting to market-rate housing. Specifically 25 projects with 15 affordable units are at risk due to the expiring density bonus agreements executed during the 1990s.

Another project 75-unit Casa Bella is at risk due to the potential expiration of its Section 8 contract.

2013-2021 Objectives: Monitor at-risk status of affordable units. For Casa Bella, work with HUD and the property owner to extend the Section 8 rent subsidy contract. Notify tenants of potential risk of conversion at least one year prior to conversion. Provide information regarding HUD's special vouchers set aside for households losing project-based Section 8 assistance (applicable to Casa Bella only). Work with property owners to pursue State and federal funds for preserving at-risk housing.

**Archived:** Wednesday, March 3, 2021 9:12:59 PM  
**From:** [James Gerrard](#)  
**Sent:** Wednesday, December 9, 2020 10:11:03 AM  
**To:** [Housing Element](#)  
**Subject:** Housing Element Updates  
**Sensitivity:** Normal

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Hello,

I hope this email finds you well.

My name is James Gerrard, and I am the Government Relations Coordinator for Habitat OC.

Please add me to your housing element notification list. Habitat OC currently has 11 families living in Costa Mesa and as a community and county stakeholder we would like to stay update to on our local housing elements. Our mission is to create a world where everyone had a decent place to live, so we believe it is important to ensure a voice for affordable housing and especially affordable homeownership.

Thank you for your time and look forward to participating in your housing element process.

All the best,

-  
**James Gerrard**

**Government Relations Coordinator | Habitat for Humanity of Orange County**  
P.O. Box 15821 | Santa Ana, CA 92735 | [www.HabitatOC.org](http://www.HabitatOC.org)  
Office: (714)434-6200 ext. 250 | [James@HabitatOC.org](mailto:James@HabitatOC.org)



Facebook: [/HabitatOC](#) | Twitter: [@HabitatOC](#) | Instagram: [@HabitatOC](#) | [Shop the Habitat ReStores](#) | [Learn about homeownership](#)

*The Habitat for Humanity of Orange County team is working remotely while managing normal operations. Along with the health and well-being of our staff, our top priority is to continue to serve families and community partners in the safest and most effective way possible.*

**From:** Priscilla Rocco <dementedgardensprite@gmail.com>  
**Sent:** Monday, March 01, 2021 12:11 PM  
**To:** PC Public Comments  
**Subject:** Housing Element

The survey gathering information about the housing element does not take into account any of the effects of this enormous housing addition to our already built-out city, fixed street capacity, existing schools and resources. And it is so limited asking preferences between townhomes, etc. when there is no mention of high rises like One Metro West at all. I can only assume that it was designed to achieve a predetermined outcome.

I have to also assume that there are no more guidelines or requirements for green space, trees, permeable ground for water percolation, or parks for families to relax and play, as every new build is all concrete to the property line, and in lieu of parkland, open space, and green areas, developers are paying money to the city allowed by the variances and agreement of the Planning Commission.

Not to mention that this whole Housing Element 10 year project is being driven by the State mandates, but those require 40% affordable housing units, and we DO NOT require ANY affordable housing in new builds!

Please do us the favor of speaking plainly. Is the Planning Commission going to do anything except green light any project that a developer submits?

Since One Metro West has been announced, I have tried multiple times to get Brent Stoll to speak to a group of local residents regarding our concerns, but he has repeatedly refused and the

Planning Commission has already agreed to cutting the parkland in lieu of payment, and we need parks in northern Costa Mesa. In the beginning they boasted 15% affordable housing, now it's down to 10% with no guarantee to the number or duration of years applicable.

And now with the Triangle Square signage issue?! Please just speak plainly. Is the Planning Commission working for the residence of Costa Mesa and taking their concerns and objections into account, or are you working for developers and corporations? Please address these concerns so we can get you on the record.

Thank you,  
Priscilla Rocco

**Archived:** Wednesday, March 3, 2021 9:13:42 PM

**From:** [ASHABI, MINOO](#)

**Sent:** Tuesday, March 2, 2021 11:13:07 AM

**To:** [ARIOS, JUSTIN](#)

**Subject:** Fw: Senior Housing Waitlist

**Sensitivity:** Normal

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**From:** Carol Buchanan <ca\_mrsb@live.com>

**Sent:** Tuesday, March 2, 2021 9:1 AM

**To:** ASHABI, MINOO

**Subject:** Senior Housing Waitlist

ood Morning,

I am concern that I may miss the option to apply for affordable senior housing when it comes available. So, I would love to be put on a future senior housing list to be advised when I could move in. I do not want to miss this opportunity.

I read the information sent out and it was disturbing that the last words, where the study does not guarantee anything will be done.

I am seeing donut shop which we do not need going in and senior housing only be spoken about for a maybe option. Right now, what is available in Costa Mesa is whatever the market can s ueeze out of you.

Thank you for your time and assistance.

Sincerely,

Carol Buchanan

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**From:** CJ Hunter <mapleknowellhouse@gmail.com>  
**Sent:** Tuesday, April 27, 2021 7:46 AM  
**To:** CITY CLERK  
**Subject:** Housing Element

Dear City Council,

As you begin to review different options for increasing the housing in Costa Mesa, please keep in mind that the status quo does not work. Car centric cities are bound to fail as can be seen by the current housing market which is dominated by car ownership, climate change which is fueled by emissions, and the countless number of cyclists and pedestrians that are killed by cars every year in Costa Mesa and Orange county. I implore you to take drastic action and to save our City.

Newport Boulevard is deteriorating north of 19th Street because commercial businesses are bound to fail there. There is no visibility and it is a haven for druggies with all of the motels and derelict properties. Every property should allow high density housing by right. The location has easy access to the 55 freeway and also is cyclable to downtown Costa Mesa, East Side, West Side, and even the beach.

While we're at it, the same applies for Harbor Boulevard, specifically in "downtown". These properties are falling apart. The City should allow for ground floor commercial, and a minimum of 3 floors of residential above. Having a mixed use neighborhood actually decreases traffic and increases livability. Restaurants and retailers flock to these locations because of the constant pedestrian traffic. Employees of the new commercial business would also live above removing any requirement for a car. These new businesses would also be utilized by the countless number of people who walk and cycle in Westside Costa Mesa. This would also work on West 19th, East 17th, and other potential neighborhoods.

So please, drop the status quo, stop holding our city hostage to the car. Remove as many car and parking requirements and the City will thrive. Will people complain about parking? Yes. Will people spend a couple more minutes commuting in their car? Yes. But ultimately, more people will move away from car dependence if other options are available. Unfortunately our current system doesn't allow for that.

Thank you for your consideration and hard work,

CJ FONG



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

April 30, 2021

Jennifer Le, Director of Economic and Community Development  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628-1200

Dear Ms. Le:

We are aware that cities in Orange County are in the process of updating their respective Housing Elements in accordance with state law. Please be aware that portions of your city are within the Planning Area for John Wayne Airport, as shown on the attached exhibit. Pursuant to California Public Utilities Code Section 21676(b):

"Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission."

As such, please incorporate ALUC review into your schedule for the Housing Element Update process. We request that items be referred to ALUC after consideration/approval by your city's Planning Commission. The ALUC meets the third Thursday of each month at 4:00 p.m. in the Airport Commission meeting room at 3160 Airway Avenue, Costa Mesa. For additional submittal information please see Section 4.7 of the AELUP which can be found here:

<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>.

If you have any questions, feel free to contact me at [lchoum@ocair.com](mailto:lchoum@ocair.com), or Julie Fitch at [jfitch@ocair.com](mailto:jfitch@ocair.com). You may also contact us by phone at (949) 252-5170.

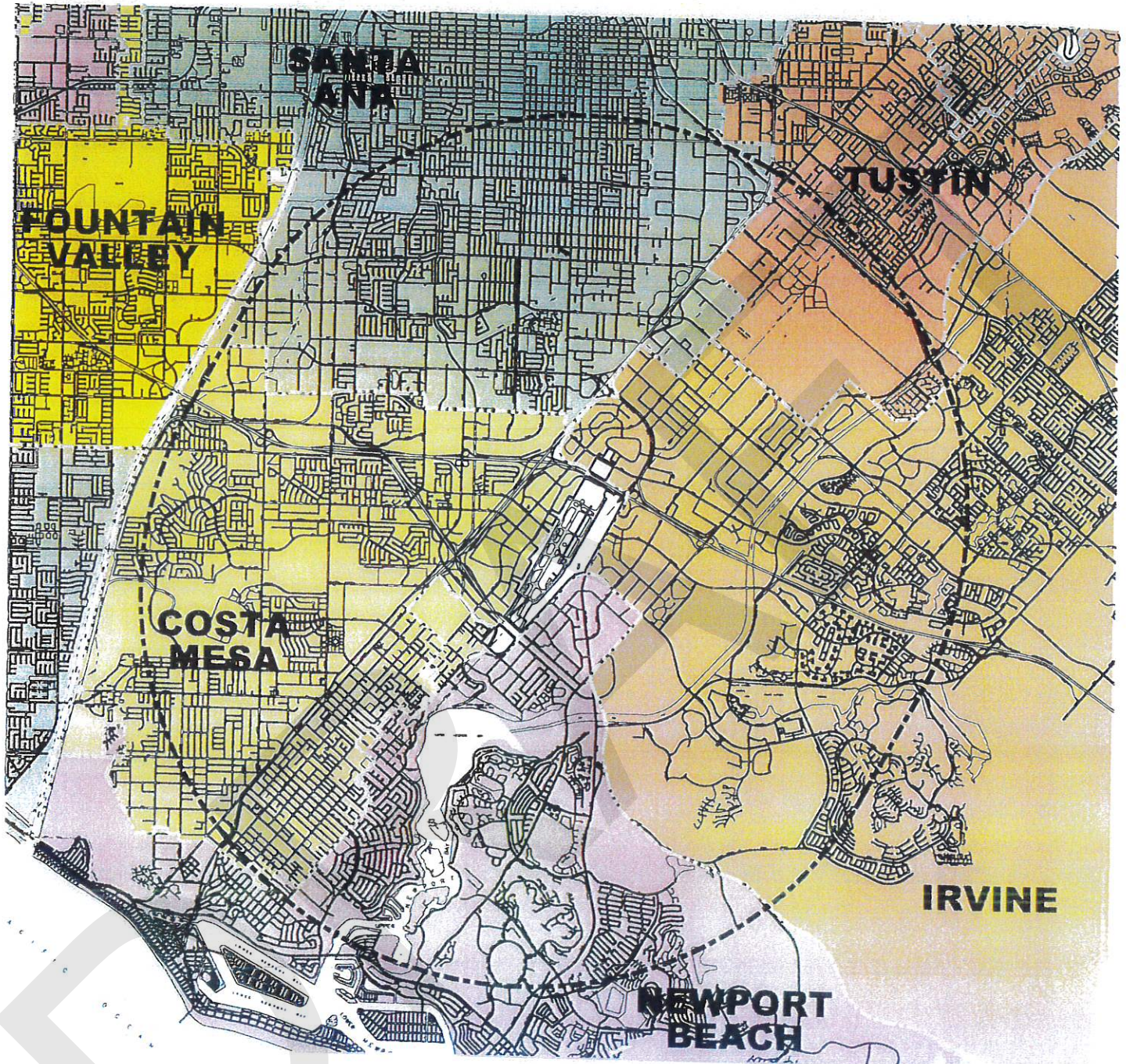
Thank you.

Lea U. Choum  
Executive Officer

Attachment: JWA Planning Area

REC'D MAY 05 REC'D

# AELUP Notification Area for JWA






Note: County Unincorporated areas are shown in white.

## FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

### LEGEND


-  20,000' Radius
-  CITY BOUNDARIES
-  AIRPORT BOUNDARIES



0 1000 2000 3000 4000 5000  
100  
Scale in Feet

### CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

  
Kari A. Rigoni, Executive Officer

  
Date April 17, 2008

**From:** bustariley@aol.com  
**Sent:** Monday, May 3, 2021 2:54 PM  
**To:** Housing Element  
**Subject:** Fwd: Housing Element Comments

Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.

I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have a lot of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for \$570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time...raining...doctors appt...errands...the list goes on & on).
2. We must set a housing "unit" to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I'm not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc...) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,

Riley Watson

NOTICE: The information contained in this email, and attachment(s) thereto, is confidential and may contain attorney - client privileged citation. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately and delete the email from your computer system without retaining any copies.

DRAFT

**ARIOS, JUSTIN**

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**From:** TONY DOUGHER <playporthoa2017@gmail.com>  
**Sent:** Tuesday, May 11, 2021 10:31 AM  
**To:** Housing Element  
**Subject:** Costa Mesa Mobile Home Coalition

Good Morning Mr. Ashabi,

My name is Michael Dougher, I am a Commissioner on the Mobile Home Advisory Committee and President of the Costa Mesa Mobile Home Coalition.

I have been in contact with Willa Killeen as it pertains to our concerns over the rulings and subsequent planning of 11,000 plus, new dwellings to be built in the next 8 years here in the City and She directed me towards you, the council and the planning commission. We as owners of mobile homes and as rent payers, are more than a little bit terrified about the ramifications that this ruling might have on our lives. As you know a lot of the parks in this city are senior parks where people on very fixed incomes reside. That said, the affordability of owning a mobile home and paying what is now and has been for decades very reasonable rates to lease the land our homes sit on, has afforded the luxury to continue to be able to live here in this beautiful place. The prospect of having our homes torn out from under us at the hands of the City and or faceless Corporate Developers is, as I said, simply terrifying. The Mobile Home Coalition has attended Council meetings; we have submitted Overlay and Zoning proposals and have heard nothing back in at least a year. The Advisory Committee has not met even via ZOOM in a year or more. We understand lockdowns, regulations and restrictions on the already slow wheels of government have practically ground it to a halt. That does not mean however, that we can just leave the most vulnerable among us waving in the breeze as low hanging fruit for developers to pick off without any protections in place.

You need an angel on the affordable housing issue to help with the requirements of the ruling RIGHT? Well here you go Most people who live in MH Parks fall into the low income category, The dwellings are already in place and there are hundreds of them already occupied. It is my hope that you can guide me to the help we need to address this as soon as possible. We need a meeting Sir. I implore you to contact me and get this ball rolling. I believe we can work out a WIN! WIN! for all parties involved.

Yours Respectfully:

Michael Dougher. SP #14  
Playport Mobile Village  
President: HOA Playport Mobile Village  
President: CMMC  
Commissioner CMMHAB



## NATIVE AMERICAN HERITAGE COMMISSION

July 23, 2021

Minoo Ashabi  
City of Costa Mesa

Via Email to: [minoo.ashabi@costamesaca.gov](mailto:minoo.ashabi@costamesaca.gov)

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Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
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[Vacant]

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[Vacant]

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EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
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California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Costa Mesa 6<sup>th</sup> Cycle Housing Element Update Project, Orange County**

Dear Ms. Ashabi:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1 (d), is to do the following:

*Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.*

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
  - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
  - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
  - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
  - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
  - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was positive. Please contact the tribes on the attached list for more information.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: [Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

Attachment

**From:** Diane Kastner <dianekastner@hotmail.com>  
**Sent:** Thursday, September 2, 2021 12:56 PM  
**To:** Housing Element  
**Subject:** Feedback-Public Comment  
  
**Importance:** High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

**Quality of Life:**

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.
2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.
3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.
4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

*Kind Regards,*

*Diane Kastner*

*Diane Kastner*

*[dianekastner@hotmail.com](mailto:dianekastner@hotmail.com)*

*Tel. (949) 378-1067*

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**From:** Matthew Sheehan <matthewmsheehan3@gmail.com>  
**Sent:** Thursday, September 2, 2021 6:02 PM  
**To:** CITY COUNCIL; Housing Element  
**Cc:** info@fairhousingelements.org  
**Subject:** Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,  
Matthew Sheehan

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**ARIOS, JUSTIN**

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**From:** ronronron@juno.com  
**Sent:** Sunday, September 5, 2021 4:30 PM  
**To:** Housing Element  
**Subject:** Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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## ARIOS, JUSTIN

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**From:** LE, JENNIFER  
**Sent:** Monday, September 13, 2021 11:31 AM  
**To:** Chen, Nick; ARIOS, JUSTIN  
**Subject:** FW: CM - Revised densities for candidate sites (545-575) Anton  
**Attachments:** Revised densities for candidates sites (545 575) Anton Blvd.pdf

---

**From:** George Sakioka [mailto:gmks@sakiokacompany.com]  
**Sent:** Monday, September 13, 2021 11:30 AM  
**To:** ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>  
**Cc:** LE, JENNIFER <JENNIFER.LE@costamesaca.gov>  
**Subject:** CM - Revised densities for candidate sites (545-575) Anton

Hi Minoo,

Here are our comments for the “revised density for candidate sites” – attachment 2 on the Agenda for 9/13/2021. (see attachment)

These comments are in addition to our previous email comments to the initial draft.

Unique ID sites:

Site 206

- size = 0.75 acres
- typo = “Small commercial out parcel uses.”

Site 207

- address = N/A , it is a surface parking lot, not the 575 Anton Building itself.
- notes = surface parking lot

Thanks and I’m happy to discuss in more detail.

George

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## ARIOS, JUSTIN

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**From:** ASHABI, MINOO  
**Sent:** Monday, September 13, 2021 11:31 AM  
**To:** ARIOS, JUSTIN; Chen, Nick  
**Subject:** FW: CM- Housing Site Analysis- comments

---

**From:** George Sakioka <[gmks@sakiokacompany.com](mailto:gmks@sakiokacompany.com)>  
**Sent:** Monday, September 13, 2021 11:28 AM  
**To:** ASHABI, MINOO <[MINOO.ASHABI@costamesaca.gov](mailto:MINOO.ASHABI@costamesaca.gov)>  
**Cc:** LE, JENNIFER <[JENNIFER.LE@costamesaca.gov](mailto:JENNIFER.LE@costamesaca.gov)>  
**Subject:** CM- Housing Site Analysis- comments

Hi Minoo,

Here are our initial comments/clarifications on the DRAFT Housing Element before the “revised densities” for the 9/13/21 agenda.

(I will send comments on the “revised densities” in a separate email.)

Attached is the CM Housing Element Update - **Appendix B site analysis - highlighted** with notes for the Sakioka parcels.

Please refer to the PDF pages of the attached Appendix B Site Analysis for comments/clarifications:

- PDF - Page 11
  - Sakioka Lot 2 = 30.93 acres
- PDF - Page 23
  - Site 142 = Roy K. Sakioka & Sons (owner) and 30.93 acres
  - Site 144 = address is N/A since it is a surface parking lot only. Remove 24/hr Fitness in the Notes section.
- PDF - Page 25
  - Site 206 = .75 acres
- PDF - Page 26
  - Site 207 = address is N/A since it is a surface parking lot only.
  - Notes = surface parking lot only

I have also included the following attached documents for your reference.

- CM Plat Map Sakioka Lot 2
- CM Plat Map 545 Anton, Parking Lot & Lot 3

Thank you and I'm happy to discuss any of our comments.

George

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**September 13, 2021**

**City Council/ Planning Commission Joint Study Session**

**Attachment 2**

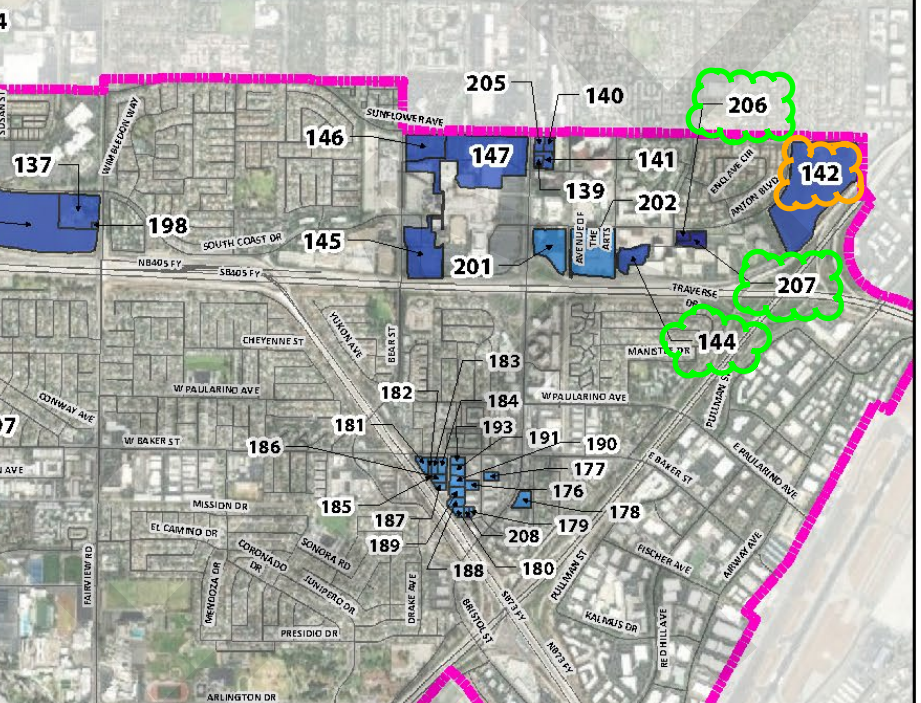
During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5 <sup>th</sup> Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial <del>our</del> parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	<del>575 Anton Blvd</del>	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	<del>Small commercial our parcel uses.</del> Property owner has indicated interest in redeveloping the site for residential uses.

n/A

Surface Parking Lot

DRAFT





requirement. The likelihood of redevelopment was based primarily on common ownership amongst adjacent parcels which share a property line. In most instances, these parcels are currently developed as a single use and it is reasonable to anticipate that the collection of parcels will redevelop as one new development to maximize efficiency and design of the new use.

The potential candidate sites which are anticipated to be consolidated into a single development are identified within **Table B-3**.

#### ***4. Development of Large Site Parcels***

The 2021-2029 sites inventory includes several sites that are larger than 10 acres. These sites exceed the AB1397 size requirement and require additional analysis. The following background and analysis relates to each site in the inventory that exceeds that inventory. The City has conducted meetings with each of these major property owners to determine their future interest in developing housing on the identified properties.

##### ***FAIRVIEW DEVELOPMENTAL CENTER***

The Fairview Developmental Center (FDC) is a State-owned property that is approximately 114 acres in size and located on Harbor Boulevard within Costa Mesa. The FDC currently serves as one of the largest residential facilities for developmentally disabled persons in the State of California. The FDC was previously identified in the City's 5<sup>th</sup> cycle Housing Element (2013-2021) and the City has continued discussions with the State to determine the potential residential yield of the area taking into consideration the existing uses.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to open a homeless shelter and identified opportunities for permanent supportive housing and integrated workforce housing within the City.

The City's 6<sup>th</sup> Cycle analysis includes an assumption of 2,300 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

##### ***SAKIOKA LOT 2***

*30.93 AC*  
Sakioka Lot 2 is a 33-acre site located north of the 405 Freeway with General Plan Land Use designation that allows up to 660 residential units, 863,000 Square feet of office or retail use and a Floor Area Ratio of 1.0. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement that was recently extended for ten years until May of, 2031. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The City's 6<sup>th</sup> Cycle analysis includes an assumption of 1,200 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

##### ***HOMERANCH***

Segerstrom Home Ranch is a 43-acre site located north of the 405 Freeway with a General Plan land use designation that allows up to 1.2 million square feet of office and up to 0.64 Floor Area Ratio. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement



Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.  
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA INC <i>+ 5075</i>	PDC	2	North Costa Mesa - SL2	33.02 <i>30.93</i>	90	Vacant			120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.
410-501-31	144	575 Anton Blvd <i>n/a</i>	JKS-CMFV LLC	PDC	2	North Costa Mesa	3.39	90				61	30	61	153	Existing 24-hour fitness with large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	6.41	90				115	57	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-491-11	146	0	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	5.37	90				96	48	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	2	North Costa Mesa	10.00	90				180	90	180	450	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
418-161-06	176	2957 Randolph Ave	ZELDENALICE WILLER	MG	2	SoBECA	0.72	60				8	4	8	23	Existing light industrial/brewery with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	2	SoBECA	0.72	60				8	4	8	23	Warehouses with surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-163-05	178	2064 Bristol St	PEP BOYS	C1	2	SoBECA	1.47	60				17	8	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	2	SoBECA	0.26	60		B		3	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	2	SoBECA	0.67	60				8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	2	SoBECA	0.87	60				10	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	2	SoBECA	0.33	60		D		3	1	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.



Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

*Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process. Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.*

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	2	Harbor Mixed-Use	1.90	60				22	11	22	59	Existing auto dealer with large surface parking.
140-041-83	198	N/A	CJ SEGERSTROM & SONS	PDC	1	North Costa Mesa - HR	0.23	80	Vacant	C		0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.
418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	2	Harbor Mixed-Use	1.27	60		B		14	7	14	39	Restaurant and barbershop. Site is anticipated to redevelop with adjacent parcels as shown in this table.
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	4	19 West	0.63	50				6	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	6.27	60		H		18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	12.07	60		H		35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
139-313-21	203	1590 Adams Ave	CJ SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	0.19	50		F		1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
139-313-30	204	1590 Adams Ave	CJ SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	2.40	50		F		24	12	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	2	North Costa Mesa	0.79	90		G		14	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	130				19	9	19	48	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

• 75



Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA																
Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process. Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.																
APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-36	207	575 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	1.82	170				61	30	61	157	Surface Parking Lot Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	1	SoBECA	0.27	60		B		3	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.

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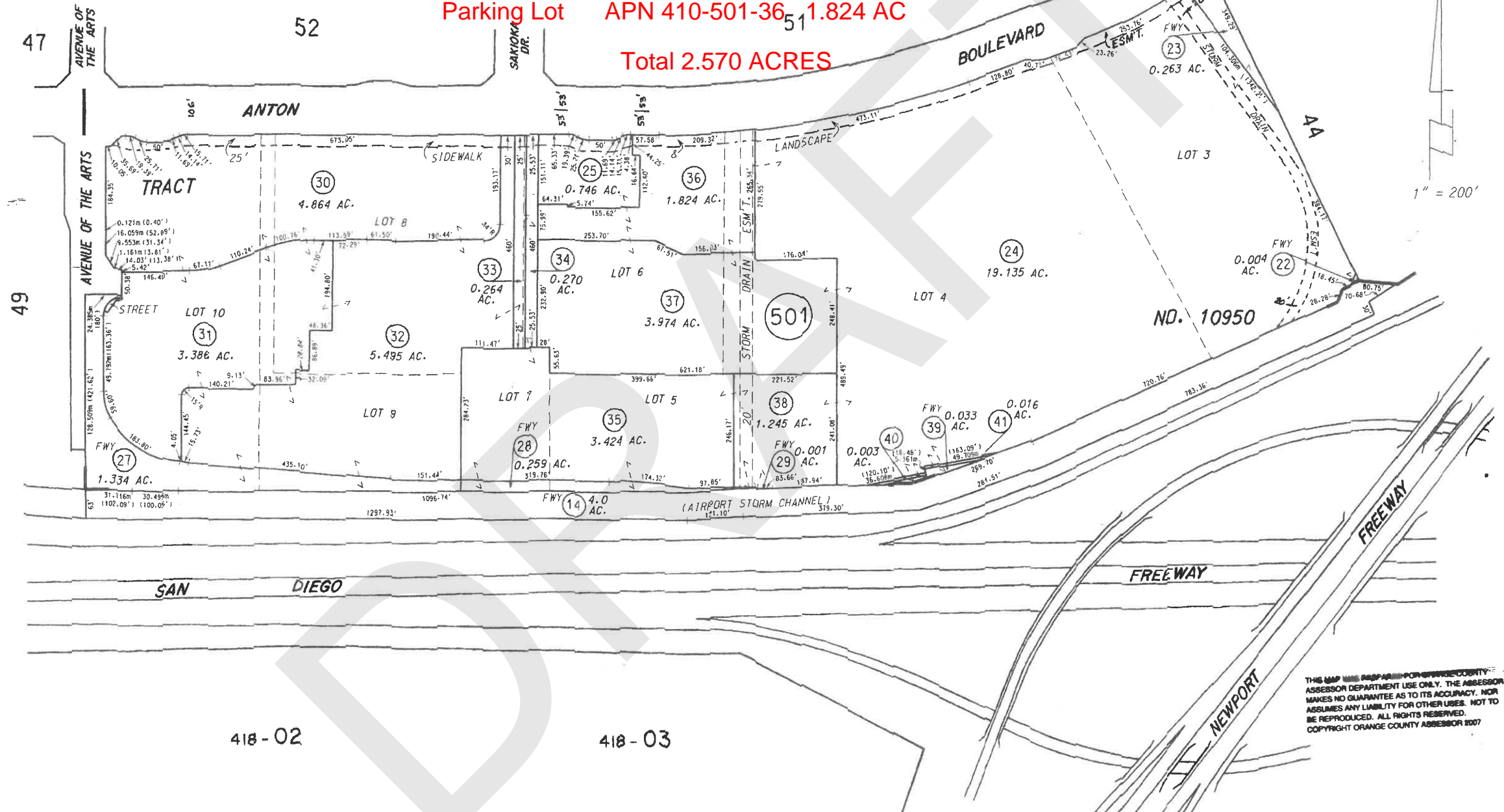
POR. S 1/2, SEC. 36, T 5 S, R 10 W

410-50

Starbucks Retail APN 410-501-25 0.746 AC

Parking Lot APN 410-501-36 1.824 AC

Total 2.570 ACRES



418-02

418-03

MARCH 1984

TRACT NO. 10950

M.M. 515-1 to 8 inc.

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

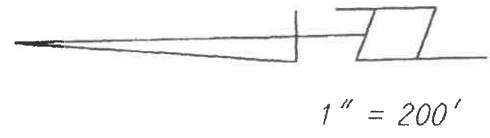
ASSESSOR'S MAP  
BOOK 410 PAGE 50  
COUNTY OF ORANGE

1107

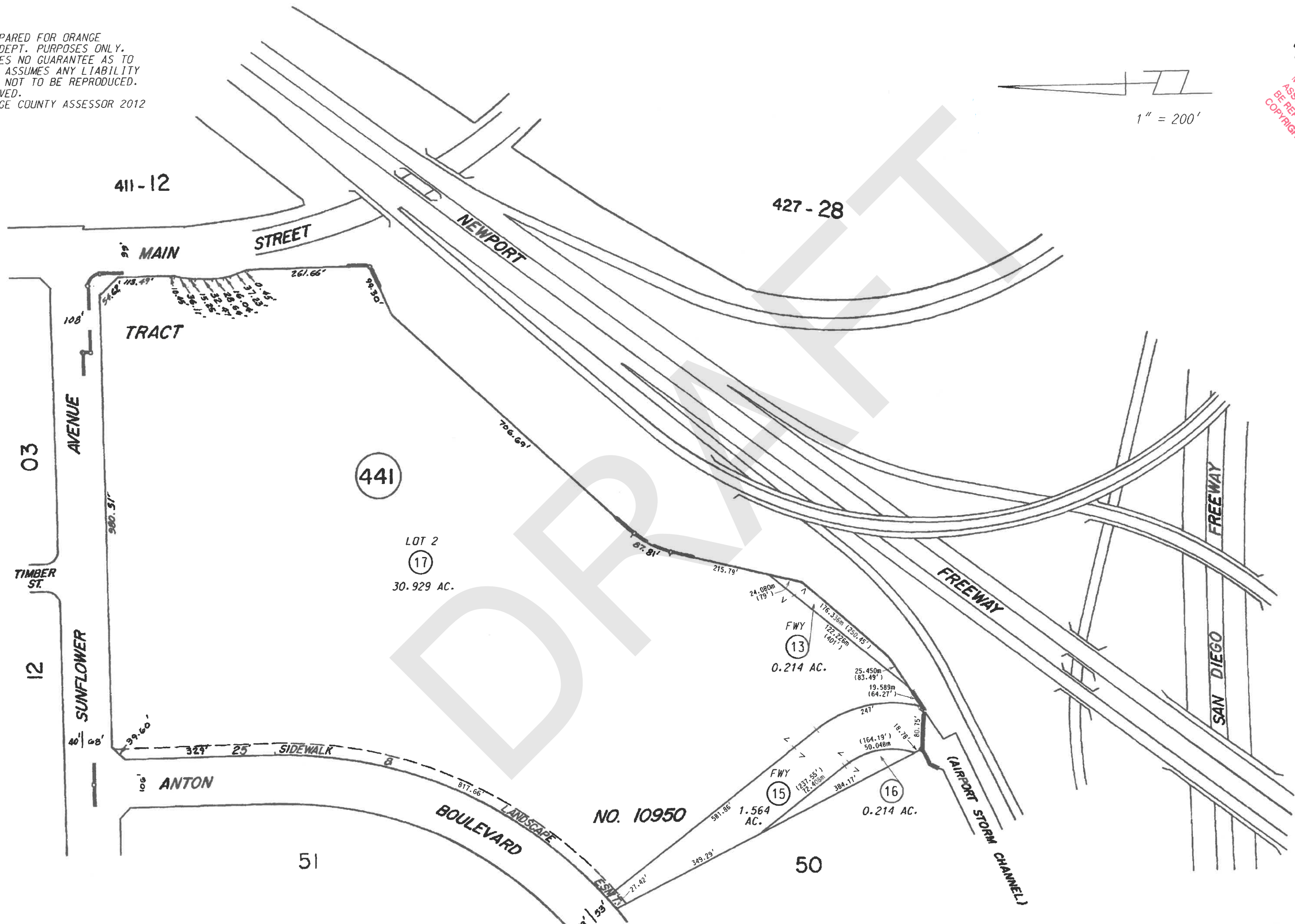
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410-44



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**From:** cmcdonald.home@gmail.com  
**Sent:** Wednesday, September 15, 2021 4:37 PM  
**To:** CITY COUNCIL; DEARAKAL, BYRON; RUSSELL, DIANNE; ERETH, ADAM; TOLER, RUSSELL; ZICH, JON; Housing Element  
**Cc:** LE, JENNIFER; ASHABI, MINOO; FARRELL HARRISON, LORI ANN  
**Subject:** Housing Element Update

Dear City Council Members, Planning Commissioners and City Staff:

A city is a living thing. It will always grow and expand, because if it doesn't, it stagnates. The challenge is growing a city so that it is the best city it can be. It must satisfy the needs of the current residents, while providing for the needs of new and future residents. It needs to be financially stable, but safe and healthy for its residents. In today's world, it must be sustainable and socially equitable. All of this takes good planning by city leaders and city employees.

The Housing Element Update is a very important part of the comprehensive planning process for the City of Costa Mesa. It is an element of the blueprint for the growth of our city. We need it to be the best plan possible for our residents, businesses, and visitors.

This draft Housing Element is built around satisfying the requirements of SCAG and the RHNA that has been imposed on Costa Mesa. The strategy used was to look at the current planning tactics used by the City and adapt those to meet our RHNA. Consideration was given to proximity to transit corridors so that the impacts of traffic caused by any increase in density could potentially be offset by the use of mass transit and active transportation. However, there is no requirement that new housing be mixed-use in order to deter the use of motor vehicles. How will we encourage people to use transit other than cars? There is no requirement that new development include active transportation facilities. That needs to be addressed as part of the process that results from the adoption of the Housing Element Update.

During the recent joint City Council and Planning Commission Study Session it was stated that the diversity and unique characteristics of neighborhoods would be complemented. The size of the parcel would have to accommodate at least 30 du/ac, which narrowed down the choice of some of the parcels. Identifying the potential to redevelop the parcels is also required. However, we see a great deal of the burden of increased density falling on areas that have already been subjected to projects whose impacts were not mitigated, thus causing more stress on residents who already are affected by traffic, pollution, and a decreasing amount of open space.

An inclusionary housing ordinance ("IHO") is being considered. Much has been said about the reasons why young people and seniors cannot afford to live in Costa Mesa. The primary reason why affordable housing hasn't been built is because the price of land is high. But another reason is that the City has not adopted an IHO and no developer will build truly affordable housing unless it is required to do so. Why is an IHO being "considered" when it should have been drafted and implemented long ago as a tactic to satisfy our RHNA? The City needs to move this off the back burner and get it done. By no means should the City Council approve the final zoning changes contemplated by in the Housing Element Update until the City has adopted an IHO.

Many of the identified parcels are being zoned at densities that are typically used for rental housing. We are upside down compared to other cities in terms of home ownership versus rental housing. Homeowners tend to be invested in their communities, which is something encouraged by most cities. How is the City going to make certain affordable home ownership opportunities are provided?

Including ADUs and JADUs to satisfy the numbers is reasonable. However, the City needs to consider ways to induce or assist homeowners to build them. Grants, loans, and tax abatements are all incentives the City should consider.

As noted in Program 3G of the draft Housing Element and by some of the City Council and Planning Commission members, the Housing Element Update will need to be put to a vote by the citizens because it exceeds the limitations under Measure Y. This will require the City to present information to the public, including depictions of buildings of the new levels of density, what you anticipate traffic VMT to be, and environmental impacts.

Measure Y came about because, despite the illusion of the City welcoming participation by residents in the planning process, the voices of the residents were largely ignored. Many residents were not aware of large projects that impacted their quality of life until the framing began. The purpose of Measure Y was not only to engage citizens in the process and give them the ability to have input into large projects, but also to encourage developers to bring better projects to Costa Mesa. Additionally, it was anticipated that the City would adopt a better General Plan because that document would likely be subject to a vote of the residents under Measure Y.

For many years the residents have been asking the City to develop a vision of what the future of Costa Mesa will be. It is understood that this takes time and expertise, but it will never happen unless it gets started. This is the perfect opportunity to do that. Jennifer Le, the City's Director of Economic and Development Services, stated that looking at Form-Based Code will be a part of a major update to our Planning Code. I encourage the City to adopt Form-Based Code, because it will encourage predictable growth that is compatible with existing neighborhoods, while encouraging financial solvency through mixed-use development.

As for the document itself, it is well organized, and I thank Staff and the consultant for the time and care that was taken. I suggest the following modifications/additions:

1. In the Community Profile (Chapter 2), it would be helpful to see:
  - a. Population Growth: What has been the historical growth of Newport Beach and Irvine as compared to Costa Mesa? Did Costa Mesa grow more over the past decade or less than these cities? This will tell us if this is a trend or a pattern. It should also be noted that Costa Mesa, unlike Newport Beach and Irvine, is nearly built out and has very little space in which to add housing without repurposing commercial/industrial properties. Also, the fact that high cost of land contributes to the lack of affordability and growth of housing should be included.
  - b. Age Characteristics: How does Costa Mesa compare to California? The US? Is the increase in people over 65 living in Costa Mesa unique or is this because people in the US are living longer overall?
2. Chapter 4, Housing Plan, includes programs where developers are identified and encouraged to work with the City on senior housing and mixed-use projects within the Urban Plan areas. I encourage the City to include that same action in Program 2B, Affordable Housing Development.
3. Appendix B, Candidate Sites Analysis and Overview:
  - a. A major corridor, Newport Boulevard has been ignored. This area has many aging properties that could be repurposed for housing; however, careful consideration needs to be given to how those projects would impact the adjoining neighborhoods. Since Newport Boulevard is one-way on either side of the freeway, walkability, bikeability and mixed-use developments must be prioritized.
  - b. Most of the parcels have been assigned a future density that we typically see as multi-family rental housing when built out. The City already is upside-down in the ratio of homeownership to rental housing compared to other cities in Orange County. How will the City remedy this situation?
4. It would be very helpful if hyperlinks/cross-references could be added to the document so readers could more easily find definitions and use of terms in various sections. For example, I tried to find "high resource neighborhoods" that were referenced in the joint Study Session and had a difficult time finding it (used twice in Chapter 3, but not defined).

Thank you for your consideration.

Cynthia McDonald

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**From:** fred solter <fsolter@msn.com>  
**Sent:** Wednesday, September 15, 2021 4:27 PM  
**To:** Housing Element  
**Subject:** Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

Absurd levels of Density are Not Acceptable

State Mandates Violate - 'Local Governance' principals

also:

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area. Another benefit to utilizing the golf course is the reduction in land that needs watering which would reduce the overall water demand on the city.
4. Another potential location for these proposed units would be the Fairview Development Center. Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.
5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

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**From:** Louis <Louis@LouisShapiro.com>  
**Sent:** Wednesday, September 15, 2021 10:25 AM  
**To:** Housing Element  
**Cc:** ASHABI, MINOO  
**Subject:** ADU comments and Questions

Dear Housing Element,

Meeting:

I was on the Thursday September 2nd evening community meeting .

Want to thank your staff for the professionalism, the number of staff showing up for the meeting. As well as the different categories of topics that were included.

Used a cell phone and did not use zoom. Was limited on being able to raise my hand or make comments. Also was not able to move from main room to other rooms. I would recommend on future invites to the meeting to go into detail on best ways to attend the meeting and protocols.

There was a large amount of information provided before the meeting which was excellent. Even after reading the information felt largely not prepared for the meeting. Not sure how to resolve this disconnect. But wanted to make your staff aware of this as if I felt a disconnect maybe others in the meeting felt the same way.

Maybe if the agenda is more clear before the meeting and a contact person for an inquiry before the meeting may help the meeting to go more smoothly.

I realize that state, county and city requirements for ADU are still being defined. With this in mind I am making the following comments. Also not an expert with all the rules and regulations proposed and have been made into law. As a home owner making the following comments. Want to thank the City for making public comments available for shaping ADU's in the City of Costa Mesa.

My comments below is for R1 zoning only.

Comments:

**A. FORMAL NAMES OF AREAS WITH THE CITY**

The city has identified different areas within the city limits. Can we have formal names for these areas and city boundaries? Can these formal names be used in the reporting processes?

**B. FEATURES AND BENEFITS**

On the information that was provided before the meeting. Was not able to find information on Cottages, Duplex and Triplexes. But the information was on larger apartment complexes.

As a home owner we are interested in features and benefits. Not so much technical details about the city requirements for densities, tax credits to the city and other city related technical details.

I am pleased to find a glossary of terms that is helpful. But it is easy to get over whelmed with all the technical details that are involved with a ADU both from a State and the City requirements. Within the calendar last year, the ADU process is much easier. Want to thank the city for making it much easier in the planning process.

## C. PERMITTING PROCESSES

It seems to me we submit our proposal for an ADU and it is reviewed within the guidelines. To me if the guidelines are more clear it would be an easier process. My thinking is if the criteria broken down into categories and posted on the city website it would be easier prior to submitting the application for approval. Would it be possible to break up the ADU's permitting process in the City in the following categories:

R1 Zoning:

A. Garage conversion

B. Single Free standing

C. Existing Single Family Home conversion D. Duplexes C. Triplexes E. Cottage Clusters F. Number of ADU's on a lot permitted.

Some ideas would be a flow chart of the permitting processes to include allowed, not allowed, in process of change. Then into sub categories.

These different categories have different requirements. Maybe even a spread sheet table that has check boxes on the requirements would be helpful. Any more color on this subject would be helpful. Ways to make it easier as a home owner to understand the ADU processes.

From my understanding, I can be wrong. But Duplexes, Triplexes and Cottage Clusters are not allowed under R1 zoning. Can this be changed? Is this a State or City mandate?

On Duplexes, Triplexes, and Cottage clusters to have consideration to allow under R1 Zoning under the definition of use for a ADU with the criteria of California and City codes.

During the meeting the process of planning and permitting of ADU seems to be capped for the number of ADU. I am not clear on the # of ADU permitted per year. Any color on this subject would be helpful.

## D. YEARLY REPORTING OF ADU's

To produce a yearly report that would have these details:

Under R1 Zoning, ADU permitted to include Garage Conversion, Single Free Standing, Existing Single Family Home Conversion, Duplexes, Triplexes, and Cottage Clusters.

1. #1 Parking Spaces allocated
2. SQ Feet of ADU
3. Set Back requirements
4. 1 Story or two story, or multi story
5. The intended use of the ADU (Family, Income, Guest House)
6. The length of time for planning process, Permitting and build completion
7. Estimated Costs of permits, and build costs.
8. Building Materials used (high, medium, low cost)
9. The area formal location name within the city

Please consider my comments for future planning.

Best Regards,  
Mr. Louis Shapiro

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**From:** Yesenia Markle <yessiemarkl@gmail.com>  
**Sent:** Wednesday, September 15, 2021 9:09 AM  
**To:** Housing Element  
**Subject:** Housing Proposal

To whom it may concern. I am writing to share my concerns on the proposed Housing element draft presented on September 13, 2021.

I oppose this proposal for the following reasons:

1. Smart & Final and El Metate are very conveniently located within our neighborhood. Many people walk to these stores for their groceries. If both of these are torn down, where will the residents buy their food? Many residents do not have the luxury of a vehicle to drive for groceries. Do not tear down the grocery stores to build "affordable housing".
2. Adding low-income housing will not solve the problem of homelessness, it will only add to overcrowding and the parking shortage for residents in the area. This is a recipe for slum and overcrowding.
3. I suggest using the golf course area/driving range which is raw land. This area will easily accommodate all the affordable housing the state law is requiring.
4. Another potential location for these proposed units would be the Fairview Development Center.

Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.

5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Thank you for your time,

Yesenia Markle  
Costa Mesa Resident

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**ARIOS, JUSTIN**

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**From:** Richard Walker <rwalker@publiclawcenter.org>  
**Sent:** Thursday, September 16, 2021 12:35 AM  
**To:** ASHABI, MINOO  
**Cc:** Housing Element  
**Subject:** Comment Letter re Draft 6th Cycle Housing Element  
**Attachments:** Costa Mesa Comment Letter to the City - 09.15.21.pdf

Please find attached Public Law Center's Comment Letter regarding Costa Mesa's Draft 6th Cycle Housing Element. Please do not hesitate to reach out with any questions or concerns.

Regards,

Richard Walker (he, him, his)  
Senior Staff Attorney  
Housing and Homelessness Prevention  
Public Law Center  
601 Civic Center Drive W.  
Santa Ana, CA 92701  
714.541.1010 Ext. 292  
[rwalker@publiclawcenter.org](mailto:rwalker@publiclawcenter.org)

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September 15, 2021

Minoo Ashabi  
Principal Planner  
Developmental Services Department  
City of Costa Mesa  
77 Fair Drive,  
Costa Mesa, CA 92626  
housing-element@costamesaca.gov  
minoo.ashabi@costamesaca.gov

RE: City of Costa Mesa Draft 6th Cycle Housing Element

Dear Ms. Ashabi and City Staff,

Public Law Center (“PLC”) is a 501(c)(3) legal services organization that provides free civil legal services to low-income individuals and families across Orange County. Our services are provided across a range of substantive areas of law, including consumer, family, immigration, housing, and health law. Additionally, PLC provides legal assistance to community organizations. Further, the mission of our Housing and Homelessness Prevention Unit includes preserving and expanding affordable housing. Thus, we write on behalf of individuals in need of affordable housing in Orange County to comment on the City of Costa Mesa (“the City”) Draft 6th Cycle Housing Element.

Government Code Section 65583 requires that a housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.<sup>1</sup> Additionally, the housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.<sup>2</sup> We commend the City on its efforts to engage its residents in the housing element update process and in its attempts to identify and address the housing needs of its residents. However, the City’s Draft 6th Cycle Housing Element fails to meet all of the requirements of State law and fails to contain strong commitments to implement meaningful programs and actions that will address the housing needs of its residents.

### **Extremely Low-Income Households**

Local agencies shall calculate the subset of very-low-income households allotted that qualify as extremely-low-income households.<sup>3</sup> To make this calculation, the local agency may

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<sup>1</sup> Cal. Gov. Code Section 65583.

<sup>2</sup> Cal. Gov. Code Section 65583.

<sup>3</sup> Cal. Gov. Code Section 65583(a)(1).

either use available census data or presume that 50% of the very-low-income households qualify as extremely-low-income households.<sup>4</sup>

In describing its RHNA, the City lists a need for 2,919 very low-income units but does not explain how many of these households are considered extremely-low-income.<sup>5</sup> The City states that there are approximately 6,610 extremely-low-income households within the jurisdiction, but does not utilize this information to calculate the need for extremely-low-income units within the jurisdiction.<sup>6</sup> The City must describe its need for extremely-low-income households and very-low-income households, which shall equal the jurisdiction's allocation of very-low-income households.<sup>7</sup>

### **Emergency Shelters**

The housing element shall include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit.<sup>8</sup> Additionally, each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.<sup>9</sup>

Although it appears that the City has existing ordinances that satisfy these requirements, the City has not clearly described these ordinances, policies, and standards because it provides conflicting information.<sup>10</sup> First, the City's table describing housing types permitted across various zoning districts does not state that emergency shelters are permitted within any zone.<sup>11</sup> The City later states that emergency shelters are permitted in the MP Industrial Zone.<sup>12</sup> Then in its review of past performance, the City states that the City adopted an ordinance to permit emergency shelters by-right within the Planned Development Industrial Zone.<sup>13</sup> The City must clarify where emergency shelters are permitted without a conditional use or other discretionary permit and specify whether these zones can accommodate at least one year-round emergency shelter.

### **Emergency Shelter Need**

Further, the identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter.<sup>14</sup> The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an

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<sup>4</sup> Cal. Gov. Code Section 65583(a)(1).

<sup>5</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 1-4, 3-76, 3-77, 4-22, B-2 (August 2021).

<sup>6</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-11 (August 2021).

<sup>7</sup> Cal. Gov. Code Section 65583(a)(1).

<sup>8</sup> Cal. Gov. Code Section 65583(a)(4)(A).

<sup>9</sup> Cal. Gov. Code Section 65583(a)(4)(A).

<sup>10</sup> Cal. Gov. Code Section 65583(a)(4)(D).

<sup>11</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-17 (August 2021).

<sup>12</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).

<sup>13</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, A-8 (August 2021).

<sup>14</sup> Cal. Gov. Code Section 65583(a)(4)(A).

average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.<sup>15</sup>

First, the City identifies 193 persons experiencing homelessness within the jurisdiction: 6 sheltered and 187 unsheltered.<sup>16</sup> Second, the City's emergency Bridge Shelter has opened its permanent location with 72 beds available.<sup>17</sup> However, the City's website states that the City of Newport Beach "entered into a partnership with the city," contributed a total of \$1.6 million toward the construction and furnishing of the shelter, and will continue to "provide \$1 million annually for 20 set-aside beds."<sup>18</sup> This means only 55 of the Bridge Shelter beds are available to accommodate the City's homeless population, requiring that the City still zone for sufficient emergency shelter capacity to accommodate 132 unsheltered individuals within its jurisdiction. Third, the City does not specify whether the Shelter has any unused beds on an average monthly basis or what percentage of those in emergency shelters move on to permanent housing. The City must provide this information to accurately assess its emergency shelter need and determine whether its identified zones can accommodate this need.

### **Emergency Shelter Standards**

The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.<sup>19</sup> However, because the Bridge Shelter currently has 72 beds, the City must clarify whether it still requires that each emergency shelter have a maximum of 30 beds.<sup>20</sup> This information is important to determine how many shelters the City would need to accommodate its 132 unsheltered homeless individuals.

### **Special Housing Needs**

The housing element must analyze special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability;<sup>21</sup> large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter.<sup>22</sup>

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<sup>15</sup> Cal. Gov. Code Section 65583(a)(7).

<sup>16</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-27 (August 2021).

<sup>17</sup> City of Costa Mesa, *Costa Mesa Bridge Shelter*, <https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter> (last visited Sep. 13, 2021).

<sup>18</sup> City of Costa Mesa, *Costa Mesa Bridge Shelter*, <https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter> (last visited Sep. 13, 2021).

<sup>19</sup> Cal. Gov. Code Section 65583(a)(4)(A).

<sup>20</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).

<sup>21</sup> "'Developmental disability' means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature." Cal. Welfare and Institutions Code Section 4512.

<sup>22</sup> Cal. Gov. Code Section 65583(a)(7).

## **Seniors**

The City explains that “seniors have a high likelihood of limited and fixed incomes, higher health care costs, greater mobility challenges and self-care limitations, transit dependency, and commonly live alone,” resulting in a need for affordable housing, supportive housing, co-living, multi-generational living options, and alternative housing options with service components.<sup>23</sup> The City then touches on overpayment issues and disabilities seniors often face.<sup>24</sup> This analysis of senior housing needs is shallow and should be more detailed. The City should include a description of the financial challenges that seniors may face, the number of lower-income seniors living within the jurisdiction, and an analysis of challenges specific to lower-income seniors.

To address senior housing issues, the City identified Program 2D, which requires the City to “identify opportunities for Senior Housing developments within Costa Mesa, including working with developers who specialize in the development of Senior Housing.”<sup>25</sup> However, “identifying opportunities” is extremely vague and does not actually commit the City to taking any action to help seniors address their special housing needs. Further, the City does not address any of the other challenges seniors face that contribute to the difficulty in finding appropriate, affordable housing. The City does not attempt to assist lower income seniors to find affordable housing and does not claim it will attempt to create this type of housing. The City must revise this program and include others that actually address senior housing needs and that commit the City to take specific actions.

## **Persons With Disabilities**

The City first discusses the housing challenges that persons with physical and developmental disabilities may face, such as limited income, restricted mobility, reduced ability for self-care, and disabilities that require a supportive or institutional setting.<sup>26</sup> Further, housing with modifications for persons with disabilities can be costly and should be located near transit, medical services, and retail.<sup>27</sup>

This brief listing of challenges does not constitute a thorough analysis of the special housing needs of this group. Although the City states that “no current comparisons of disability with income, household size, or race/ethnicity are available,” the City should conduct its own analysis of this demographic.<sup>28</sup> Such an analysis is important to understanding how these factors exacerbate housing challenges and will enable the City to create specific programs that meet the needs of as many residents with disabilities as possible.

To address these needs, the City states that “incorporating ‘barrier-free’ design in all new, multi-family housing . . . is especially important to provide the widest range of choices for residents with disabilities” and that “special consideration should also be given to the

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<sup>23</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

<sup>24</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

<sup>25</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-6 (August 2021).

<sup>26</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

<sup>27</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-20 (August 2021).

<sup>28</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

affordability of housing as people with disabilities may be living on a fixed income.”<sup>29</sup> However, the City merely lists several housing types and assistance programs that can help meet these special housing needs and does not reference any City programs that incorporate barrier-free designs or prioritize low-income residents with disabilities.<sup>30</sup>

Instead, Program 2F: Persons with Physical and Developmental Disabilities states that “the City will continue to take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate through the implementation of Title 24 as well as reviewing and amending its procedures to comply with State law as necessary.”<sup>31</sup> Similar to Program 2D for seniors, this program does not commit the City to taking meaningful actions to address these special housing needs, even though the City identified meaningful actions in its analysis that would help meet these needs, such as incorporating “barrier-free” designs in housing. Since Program 2F is insufficient, the City must either revise this program or create a new program that accounts for the special needs of persons with physical or developmental disabilities.<sup>32</sup>

### **Large Households**

The City states that “a limited supply of adequately sized and affordable housing units,” causes lower-income large households to face overcrowding in smaller units with less bedrooms.<sup>33</sup> Lower-income renters are particularly vulnerable to this because rental units with more than three bedrooms are rare and more expensive.<sup>34</sup> Again, this analysis is lacking important details, such as the existing number of four-bedroom or larger units in the City and their level of affordability, the number of large households that are lower income or cost burdened, and other pertinent factors, all of which would influence the programs the City should create to meet these needs. The City should take additional steps to study this group further and provide analysis that is more detailed.

Program 2E: Encourage Development of Housing Options for Large-Family Households is another vague program that merely states that “the City will work with applicants who propose for-rent residential projects to encourage 4-bedroom units as part of proposed developments” and will “review development standards to determine if any pose an impediment to the development of large units.”<sup>35</sup> If the City finds any impediments, the program only requires that the City “consider amendments to the Zoning code to alleviate those impediments.”<sup>36</sup> The program does not commit the City to taking any specific actions that will actually assist large households. The City should revise the program to be more descriptive by including specific incentives or actions that will be taken to encourage the development of four-bedroom or larger units and by including a specific timetable for the review of development standards that might impeded the

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<sup>29</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 to 2-22 (August 2021).

<sup>30</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 (August 2021).

<sup>31</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

<sup>32</sup> Cal. Gov. Code Section 65583(a)(7).

<sup>33</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).

<sup>34</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).

<sup>35</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

<sup>36</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

development of larger units. If any impediments are encountered, the City should commit to take actual steps toward revising the standards to mitigate this constraint. As the City does additional analysis, it should also revise its program to address the needs of large households who are at lower-income levels. The City should also revise the program to not just encourage four-bedroom units, but four-bedroom *and larger* units to accommodate different sizes of large households, such that it addresses the overcrowding issue.<sup>37</sup>

### **Single-Parent Households**

The City's extremely brief description of single-parent households states that these residents have a "greater need for affordable and accessible day care, health care, and other supportive services," and that "many female-headed households with children are susceptible to having lower incomes than similar two-parent households."<sup>38</sup> Despite this acknowledgement, the City provides no additional discussion of these challenges, nor does it specify a program that addresses these needs. For example, the City notes that 27.4% of its single-parent households are living in poverty, but makes no attempt to address this issue.<sup>39</sup>

The City must further discuss the special needs of single-parent and female-headed households and describe the City's resources and unmet needs for such groups.<sup>40</sup> The City must identify programs that specifically assist single-parent and female-headed households.

### **Farmworkers**

In attempting to analyze the special housing needs of farmworkers, the City explains who farmworkers are and simply states that farmworkers "earn lower incomes than many other workers and move throughout the year from one harvest location to the next."<sup>41</sup> This statement is not an analysis of farmworkers' special housing needs. Additionally, Program 2H is not sufficient to meet the needs of this group because it merely brings the City's zoning code into compliance with state law.<sup>42</sup> With 2,669 farmworkers living within the jurisdiction, the City must identify unique factors that affect their ability to obtain housing, their specific housing needs, and create programs to address these needs.<sup>43</sup>

### **No Net Loss Requirements**

Government Code Section 65863 requires that jurisdictions maintain adequate sites to accommodate its remaining unmet RHNA in each income category throughout the entire planning period. If there is a shortfall of sites to accommodate its RHNA, the jurisdiction must either amend its site inventory to include sites that were previously unidentified or rezone sites to

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<sup>37</sup> Cal. Gov. Code Section 65583(a)(7).

<sup>38</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).

<sup>39</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).

<sup>40</sup> Cal. Gov. Code Section 65583(a)(7).

<sup>41</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).

<sup>42</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-8 (August 2021).

<sup>43</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 2-18 (August 2021).

meet the need.<sup>44</sup> Failure to do so would constitute a violation of the No Net Loss law and Housing Element law.<sup>45</sup>

To ensure a jurisdiction can accommodate its entire RHNA throughout the planning period and avoid these violations, HCD recommends that jurisdictions include a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for lower incomes.<sup>46</sup> Alternatively, jurisdictions may create a buffer by projecting capacity less than what is allowed from the maximum density in anticipation of reductions in density, or rezoning additional sites above what is needed to accommodate the RHNA.<sup>47</sup>

Through its site inventory, rezoned sites, and ADUs, the City has created a 34 percent buffer, with only a five percent buffer for lower income units.<sup>48</sup> Because lower income units are the most difficult to construct, the City should increase the lower income buffer to avoid violating the No Net Loss and other Housing Element laws.

### **Constraints**

#### **Governmental Constraints**

The housing element must contain an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in Section 65583(c)(1),<sup>49</sup> and for persons with disabilities,<sup>50</sup> including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development.<sup>51</sup>

The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the RHNA and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.<sup>52</sup>

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<sup>44</sup> HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).

<sup>45</sup> HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).

<sup>46</sup> HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).

<sup>47</sup> HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).

<sup>48</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-77 (August 2021).

<sup>49</sup> “Housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.” Cal. Gov. Code Section 65583(c)(1).

<sup>50</sup> “‘Developmental disability’ means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.” Cal. Welfare and Institutions Code Section 4512; Cal. Gov. Code Section 65583(a)(7).

<sup>51</sup> Cal. Gov. Code Section 65583(a)(5).

<sup>52</sup> Cal. Gov. Code Section 65583(a)(5).

The Draft provides an analysis of the City's current "1. Land Use Controls", but fails to mention how, if at all, these land use controls are constraints to housing development.<sup>53</sup> If the City determines land use controls constrains housing development, and if so, a program should be included to prevent such constraints. The element exhibits the same issue in the "4. Variety of Housing Types Permitted" and "5. Planned Development" section of Governmental Constraints to affordable housing development.<sup>54</sup> On pages 3-6 to 3-8, the element provides a description of zoning codes and regulations, but does not conclude how, or if, these codes are a constraint on housing development.<sup>55</sup> The element should mention if these restrictions are constraints to housing developments, and if so provide a program to eliminate or mitigate such constraints.<sup>56</sup>

Measure Y is a slow growth program, "An Initiative to Require Voter Approval on Certain Development Projects".<sup>57</sup> Program 3G discusses actions the City will take to address Measure Y in the context of the Housing Element.<sup>58</sup> Program 3G asserts it must determine "a path forward" in consideration of Measure Y to be able to adopt changes necessary to implement the City's housing element to meet the City's state mandated RHNA allocation.<sup>59</sup> Essentially, Program 3G is a plan to deal with a housing constraint and gives the City a 3 year time frame to "deal" with the issue, but provides no concrete steps.<sup>60</sup> The City should provide more concrete steps on how it plans to address Measure Y as a constraint and alternative options in the event that voter approval does not pass, to ensure the City is compliant with Housing Element Laws.

### **Nongovernmental Constraints**

The housing element must also analyze potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by Section 65583.2(c), and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the RHNA.<sup>61</sup>

The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.<sup>62</sup>

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<sup>53</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).

<sup>54</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-16 to 3-23 (August 2021).

<sup>55</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).

<sup>56</sup> HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Constraints*, <https://www.hcd.ca.gov/community-development/building-blocks/constraints/nongovernment-constraints.shtml#requisite> (last visited September 1, 2021).

<sup>57</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).

<sup>58</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).

<sup>59</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).

<sup>60</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).

<sup>61</sup> Cal. Gov. Code Section 65583(a)(6).

<sup>62</sup> Cal. Gov. Code Section 65583(a)(6).

The element asserts construction costs are a major portion of development costs, but is not a constraint to housing development since construction costs are “consistent with the region”.<sup>63</sup> Just because the City’s construction costs are consistent within the region does not mean they are not a constraint to development. For example, the element mentions the cost of land is consistent with the region, but that the “[the cost of land] may create a constraint to the development of housing, specifically affordable housing.”<sup>64</sup> The City contradicts its own logic in the housing element. For this reason, the City should analyze development costs as an actual constraint on the development of housing and create a program to mitigate constraints on affordable housing development caused by the construction costs.

The element identifies “Cost of Land” as a constraint to housing development and mentions Chapter 4 to accommodate these constraints.<sup>65</sup> The element should identify exactly which program(s) within Chapter 4 address and mitigate the high cost of land. Additionally, the element claims “Available Financing” is not a constraint to the provision and maintenance of housing in the City.<sup>66</sup> On the same page, the element asserts that White applicants were more likely to be approved for a loan than their non-White counterparts.<sup>67</sup> The City should implement a program to ensure equal opportunities to all loan applicants as inconsistent lending practices is a constraint to fair and affordable housing.

The element identifies Program 2A to “consider” an inclusionary housing ordinance within two years of implementing the sixth cycle housing element.<sup>68</sup> Program 2B explains the City will “analyze potential development incentives” to encourage affordable housing development.<sup>69</sup> Program 2A and 2B embody noncommittal, vague language with no quantified goal. “Analyzing” incentives will not lower barriers to the development and maintenance of affordable housing. Program 2E exhibits the same issue, as the City will “consider” removing impediments in the City’s zoning ordinance for developments to accommodate underserved large families.<sup>70</sup> Program 2I exists to promote state bonus density incentives.<sup>71</sup> According to the element, such incentives “*may* take the form of additional residential units permitted beyond the density allowed in the base zoning...”<sup>72</sup> The language of Programs 2A, 2B, 2E and 2I is vague, non-committal and observes no quantified objective.<sup>73</sup> The City should amend these programs to create concrete steps that will result in beneficial outcomes during the planning period and incorporate a quantified goal to assess if these programs are making progress.

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<sup>63</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).

<sup>64</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).

<sup>65</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).

<sup>66</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).

<sup>67</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).

<sup>68</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 (August 2021).

<sup>69</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-6 (August 2021).

<sup>70</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-6 to 4-7 (August 2021).

<sup>71</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).

<sup>72</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).

<sup>73</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-7 (August 2021).

Similar to the issues listed above in Program 2, Program 3A adopts language that is vague, noncommittal and unquantified<sup>74</sup>, so it is unclear how this program will loosen constraints on affordable housing development. For example, Program 3A claims “The City will *consider* and *promote* various incentives to *encourage* development of housing, live/work, and mixed-use development in its Urban Plan and Specific Plan areas.”<sup>75</sup> Programs 3B, 3E, 3F, 3H, 3I, 3J, 3O, 4A, 4C and 4D display the same deficiencies.<sup>76</sup> The City should amend this program to adopt mandatory language with a time sensitive, quantified goal to encourage the development of affordable housing.

The element assesses 5th cycle policy progress within Appendix A: Review of Performance.<sup>77</sup> In this section, the City fails to provide a quantified analysis of fifth cycle progress, which makes it difficult to determine the effectiveness of the policy and whether it should remain in the sixth cycle housing element. For example, the City dedicated Policy HOU-1.5 to maintaining and upgrading “deteriorating” neighborhoods to encourage private development,<sup>78</sup> however the element fails to determine if this policy was effective in encouraging housing development in the fifth cycle. The element maintains Policy HOU-1.5 in the sixth cycle “to ensure it is resourceful and useful in efforts to promote and encourage the development of housing”.<sup>79</sup> With lack of data or measured progress, it is unclear if Policy HOU-1.5 was effective in the past and whether it should remain in the sixth cycle element. Policy HOU-1.7, HOU-2.1, HOU-2.3, HOU-2.4, HOU-3.1, HOU-3.2, HOU-3.4, HOU-4.1, HOU-4.2, HOU-4.4 and HOU-5.1 exhibit the same issues.<sup>80</sup> The element is void of information necessary to form an assessment on Policy progress. The element should provide policy data of past performance success or failure to determine if a policy should remain in the sixth cycle housing element.

### **Site Inventory**

The housing element must include an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level.<sup>81</sup> A jurisdiction may identify sites by a variety of methods, such as re-designating property to a more intense land use category, increasing the density allowed within one or more categories, and identifying sites for accessory dwelling units (“ADUs”).<sup>82</sup>

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<sup>74</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).

<sup>75</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).

<sup>76</sup> City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 to 4-17 (August 2021).

<sup>77</sup> City of Costa Mesa, Draft 2021-2029 Housing Element Appendix A, A-2 (August 2021).

<sup>78</sup> City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).

<sup>79</sup> City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).

<sup>80</sup> City of Costa Mesa, Draft 2021-2029 Housing Element A-5 to A-13 (August 2021).

<sup>81</sup> Cal. Gov. Code Section 65583(a)(3); Cal. Gov. Code Section 65583.2(a).

<sup>82</sup> Cal. Gov. Code Section 65583.1(a).

The site inventory must provide for a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.<sup>83</sup>

### **Determining Site Capacity**

Based on the information provided in the site inventory, a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period.<sup>84</sup> To determine the number of housing units that can be accommodated on each site when the jurisdiction does not adopt a law or regulation requiring the development of a site at a minimum density, the jurisdiction shall demonstrate how the number of units determined for that site will be accommodated.<sup>85</sup>

The number of units that can be accommodated on each site shall be adjusted as necessary based on the potential and actual governmental constraints upon maintenance, improvement, or development of housing, including land use controls and site improvements; the realistic development capacity for the site; typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction; and the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.<sup>86</sup>

Here, the City does not describe a methodology that considers these factors. Further, although the City assumes “that sites identified within [the City’s site inventory] will redevelop with . . . 30% of units available to residents in the low and very low-income categories,” the City has not justified this assumption.<sup>87</sup> In fact, Program 2A: Inclusionary Housing Ordinance does not actually require developers to set aside any units for affordable housing, but merely states that the City will continue to analyze the impacts of inclusionary ordinances and “consider adoption of an inclusionary housing ordinance.”<sup>88</sup> The City must reanalyze its site capacities in light of this unsupported assumption.

### **Lower Income Sites Size**

If a site is smaller than half an acre or larger than ten acres, it cannot be deemed adequate to accommodate lower income housing unless the locality can demonstrate that sites of an equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site.<sup>89</sup> Alternatively, the locality may provide other evidence to HCD that the site is adequate to accommodate lower income housing.<sup>90</sup>

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<sup>83</sup> Cal. Gov. Code Section 65583(c)(1).

<sup>84</sup> Cal. Gov. Code Section 65583.2(c).

<sup>85</sup> Cal. Gov. Code Section 65583.2(c)(1).

<sup>86</sup> Cal. Gov. Code Section 65583.2(c)(2).

<sup>87</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, B-12 (August 2021).

<sup>88</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).

<sup>89</sup> Cal. Gov. Code Section 65583.2(c)(2).

<sup>90</sup> Cal. Gov. Code Section 65583.2(c)(2).

The City has identified numerous sites for lower-income housing that are either smaller than half an acre or larger than ten acres. Because the City has not demonstrated that sites of equivalent sizes have been successfully developed in the previous cycle for an equivalent number of lower-income units, the City has attempted to provide other evidence that these sites are adequate for lowing income housing.

Regarding sites smaller than half an acre, the City has merely stated that it only identified these sites that “show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement.”<sup>91</sup> The City based these identifications on common ownership and assumed willingness to consolidate parcels.<sup>92</sup> However, these assumptions are not evidence that these sites can actually be developed for lower-income housing or that they will be consolidated. The City must provide more evidence or remove these sites from its inventory.

In addressing sites larger than ten acres, the City again could not demonstrate that sites of equivalent size have been successfully developed in the previous cycle for an equivalent number of lower income units. Instead, the City attempts to provide evidence for each site. However, the Fairview Developmental Center was identified in the 5th Cycle but was not developed and its development potential is based on a City ad hoc committee’s meetings and reports.<sup>93</sup> The City does not claim that the State is actually interested in developing lower-income housing here. Further, for Sakioka Lot 2, Home Ranch, South Coast Plaza, and Pacific Arts Plaza, the City describes the properties and states for each one that “the City has had continued discussions with the property owners who have indicated that there is potential for future housing development on the site in strategic areas.”<sup>94</sup> This vague statement and lack of evidence to support an assumption for future development is not sufficient to deem these properties adequate for lower-income housing. The City must provide more evidence or remove these sites from its inventory.

#### **Nonvacant Sites Owned by the City**

If a nonvacant site is owned by the city or county, the description shall include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with the Surplus Lands Act.<sup>95</sup>

Site 424-211-01 is owned by the City, but it is unclear whether it is nonvacant. The City must clarify this. If it is nonvacant, the City must provide the requisite information or remove the site from its inventory.

#### **Nonvacant Sites for 50% or More of Housing Need**

If the jurisdiction is relying on nonvacant sites to accommodate 50% or more of its housing need for lower-income households, the methodology used to determine additional

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<sup>91</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).

<sup>92</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, B-11 (August 2021).

<sup>93</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).

<sup>94</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 to B-11 (August 2021).

<sup>95</sup> Cal. Gov. Code Section 65583.2(b)(3).

development potential shall demonstrate that the existing use identified does not constitute an impediment to additional residential development during the planning period.<sup>96</sup>

Here, only four sites have been identified as vacant. Therefore, the City must revise its stated methodology for nonvacant sites to describe how it will address existing uses impeding additional residential development.

### **Sites with Current or Past Residential Uses**

For sites that currently have residential uses; have had a residential use within the past five years that have been vacated or demolished; are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to very-low- or low-income residents; are subject to any other form of rent or price control through the public entity's valid exercise of its police power; or are currently occupied by very-low- or low-income residents shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site.<sup>97</sup>

Site 425-431-02 is a hotel and Site 422-193-24 is a motel. If either of these sites have current residential uses or are currently occupied by very-low- and low-income residents, the City must create a program that requires developers to replace these units at the same or lower income level.

### **Presumption of Impeding Additional Residential Development**

An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.<sup>98</sup>

Although the City has claimed that many of its sites are likely to be redeveloped within the planning period and provides examples of development on nonvacant sites for residential uses, it has not provided actual, individualized evidence that any of these uses will be discontinued.<sup>99</sup> Therefore, none of these sites can overcome the presumption that their existing uses will impede additional residential development.

### **Accessory Dwelling Units**

A jurisdiction may count an ADU for purposes of identifying adequate sites for housing.<sup>100</sup> The number of ADUs identified is based on the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right; the need for these units in the community; the resources or incentives available for their development; and any other relevant factors determined by HCD.<sup>101</sup> To estimate the number of ADUs that will be developed in the planning period, a jurisdiction must generally use a three-part approach

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<sup>96</sup> Cal. Gov. Code Section 65583.2(g)(2).

<sup>97</sup> Cal. Gov. Code Section 65583.2(g)(3).

<sup>98</sup> Cal. Gov. Code Section 65583.2(g)(2).

<sup>99</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, B-7 (August 2021).

<sup>100</sup> Cal. Gov. Code § 65852.2(m); Cal. Gov. Code § 65583.1(a).

<sup>101</sup> Cal. Gov. Code Section 65583.1(a).

addressing (1) development trends, (2) anticipated affordability, and (3) resources and incentives.<sup>102</sup>

When assessing development trends, a jurisdiction must consider the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right;<sup>103</sup> the need for these units in the community;<sup>104</sup> the availability of ADUs and JADUs that will be part of the rental stock, rather than used as offices or guest houses;<sup>105</sup> and more recent trends.<sup>106</sup> However, HCD Staff has stated that the following two approaches would be accepted without further analysis or incentives: (1) average ADU applications from the beginning of the 5<sup>th</sup> Cycle to 2017, multiplied by five; or (2) average ADU applications from 2018, multiplied by eight. If jurisdictions anticipate a higher ADU production, HCD will require more analysis and incentives to show the higher production can be met.

The City has determined its ADU production estimate “based on past performance and the SCAG/HCD approved methodology” to claim 858 ADUs for the planning period.<sup>107</sup> The City has permitted 4 ADUs in 2018, 6 in 2019, 19 in 2020, and 12 so far in 2021.<sup>108</sup> Utilizing the second “HCD approved methodology,” the City should have only claimed 88 ADUs over the planning period. To justify the additional 770 ADUs, the City must demonstrate that its offered incentives can achieve the higher production. The City states that Program 3E will do so.<sup>109</sup>

Program 3E states that “the City will evaluate potential programs with the intent of promoting the development of accessory dwelling units,” which may include the following:

- Coordinating with the County on implementation of a permit-ready ADU program;
- Post a user-friendly FAQ on the City’s website to assist the public;
- Waiving certain permitting fees to make ADU development more feasible;
- Creating an expedited plan check review process to ease the process for homeowners; and
- Explore potential State and Regional funding sources for affordable ADUs.

However, Program 3E does not thoroughly describe these incentives, does not analyze how these incentives will boost ADU production, and does not commit the City to implement any of these incentives. Even if all of these incentives were implemented, none of them promotes

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<sup>102</sup> HCD, ADU Handbook, 19 (December 2020).

<sup>103</sup> Cal. Gov. Code § 65583.1(a); HCD, ADU Handbook, 19 (December 2020).

<sup>104</sup> Cal. Gov. Code § 65583.1(a).

<sup>105</sup> HCD, Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADUs), *Requisite Analysis*, <https://hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/accessory-dwelling-units.shtml> (last visited March 21, 2021).

<sup>106</sup> HCD, ADU Handbook, 19 (December 2020).

<sup>107</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

<sup>108</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

<sup>109</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

the creation of ADUs that can offer affordable rents for very-low-, low-, or moderate-income households.<sup>110</sup>

The City must reduce its ADU production estimate to a more realistic number, revise Program 3E to include the information stated above, and include more incentives such as:

- Prototype plans;<sup>111</sup>
- Reduce or eliminate building permit/development fees;<sup>112</sup>
- Affordability monitoring programs;<sup>113</sup>
- Incentives for affordability;<sup>114</sup>
- Financing – construction & preservation;<sup>115</sup>
- Outreach, promotion, and educational materials;<sup>116</sup> and
- Amnesty programs (SB 13).

### **Programs**

The housing element must include programs that allow the jurisdiction to achieve its stated housing goals and objectives. Programs must set forth a schedule of actions during the planning period, each with a timeline for implementation.<sup>117</sup> The jurisdiction may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element.<sup>118</sup> The jurisdiction may do so through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law.<sup>119</sup>

To make adequate provision for the housing needs of all economic segments of the community, the programs shall address housing issues such as inadequate site inventories, meeting lower income housing needs, removing constraints, maintaining affordable housing, promoting affirmatively furthering fair housing, preserving assisted housing developments, encouraging accessory dwelling units, and facilitating public participation. To make these programs most effective, HCD recommends jurisdictions include the following: definite time frames for implementation; an identification of agencies and officials responsible for

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<sup>110</sup> HCD, ADU Handbook, 19 (December 2020); Cal. Gov. Code § 65583.1(a); Cal. Health and Safety Code § 50504.5.

<sup>111</sup> HCD, ADU Handbook, 19 (December 2020).

<sup>112</sup> SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

<sup>113</sup> HCD, ADU Handbook, 19 (December 2020).

<sup>114</sup> SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

<sup>115</sup> SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

<sup>116</sup> SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

<sup>117</sup> Cal. Gov. Code Section 65583(c).

<sup>118</sup> Cal. Gov. Code Section 65583(c).

<sup>119</sup> Cal. Gov. Code Section 65583(c).

implementation; a description of the local government's specific role in program implementation; a description of the specific action steps to implement the program; proposed measurable outcomes; demonstration of a firm commitment to implement the program; and an identification of specific funding sources, where appropriate.<sup>120</sup>

As has been stated throughout our comment letter, the City's programs lack the detail and specificity recommend by HCD. Most goals are simply "ongoing" without definite timeframes or specific action steps. Also, most of the City's programs are noncommittal only planning to "promote," "encourage," or "evaluate."<sup>121</sup> The City should revise its programs generally to include more firm commitments, definite time frames, and specific action steps.

### **Affirmatively Furthering Fair Housing**

California law requires that public agencies administer all "programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing."<sup>122</sup> To affirmatively further fair housing, a public agency must do the following:

[Take] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.<sup>123</sup>

Meaningful action means taking significant action that is designed and reasonably expected to achieve a material positive change that affirmatively furthers fair housing.<sup>124</sup>

Housing elements must incorporate the obligation to affirmatively further fair housing in the following aspects: (1) outreach, (2) assessment of fair housing, (3) site inventory, (4)

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<sup>120</sup> HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Program Overview and Quantified Objectives*, <https://hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml> (last visited April 4, 2021).

<sup>121</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, Chapter 4 (August 2021).

<sup>122</sup> Cal. Gov. Code Section 8899.50(b).

<sup>123</sup> Cal. Gov. Code Section 8899.50(a)(1).

<sup>124</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 66 (April 2021); Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42354. Although the Department of Housing and Urban Development does not enforce this federal AFFH rule, California law has adopted the federal rule. This means that the federal AFFH rule can inform how to interpret the obligation to affirmatively further fair housing in California law.

identification and prioritization of contributing factors, and (5) goals, policies, and actions. Each section is addressed below.<sup>125</sup>

### Outreach

Beyond preexisting outreach requirements, jurisdictions must include a summary of their fair housing outreach capacity.<sup>126</sup> Jurisdictions “must describe meaningful, frequent, and ongoing public participation with key stakeholders.”<sup>127</sup> Moreover, jurisdictions must summarize “issues that contributed to lack of participation in the housing element process by all economic segments, particularly people with protected characteristics, if that proves to be the case.”<sup>128</sup>

The City must further describe its outreach efforts or make additional outreach efforts related to fair housing. While the City describes its multiple efforts to engage residents in the housing element update process,<sup>129</sup> none of the described efforts seem to relate to fair housing. The topics discussed at the meetings referenced by the City seem to focus on general housing element requirements and specifically housing development and site identification. None of the stakeholders referenced generally seem to indicate stakeholders connected with fair housing expertise and insights. While the City’s online survey had one question under the category “Fair Housing,” the question seems to be more related to special housing needs in the community and not necessarily to issues of fair housing. The City’s fair housing assessment does describe some outreach related to fair housing specifically, but that outreach was conducted prior to 2019 and in conjunction with the Impediments Analysis for the entire County and not specific outreach for the City.<sup>130</sup> Additionally, the City has not established that it engages in “frequent” and “ongoing” public participation with key fair housing stakeholders. City does not identify key stakeholders that were invited to engage with the City regarding fair housing issues and fails to summarize issues that contributed to lack of participation. The City should describe, or encourage, additional key stakeholder participation, especially as it relates to fair housing, and address lack of participation by any key stakeholders or demographics.

### Assessment of Fair Housing

A fair housing assessment needs to have a summary of fair housing enforcement and capacity.<sup>131</sup> In addition, the assessment must analyze these five areas: (1) fair housing enforcement and outreach capacity; (2) integration and segregation patterns and trends related to people with protected characteristics; (3) racially or ethnically concentrated areas of poverty (R/ECAPs) or racially concentrated areas of affluence (RCAAs); (4) disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and (5)

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<sup>125</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).

<sup>126</sup> Cal. Gov. Code Section 65583(c)(10)(A)(i).

<sup>127</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).

<sup>128</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 22 (April 2021).

<sup>129</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, Appendix C (August 2021).

<sup>130</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-45 (August 2021).

<sup>131</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

disproportionate housing needs within the jurisdiction, including displacement risk.<sup>132</sup> Furthermore, each of these analyses must include local and regional patterns and trends, local data and knowledge, and other relevant factors.<sup>133</sup> The analyses should each arrive at conclusions and have a summary of fair housing issues.<sup>134</sup>

*Fair Housing Enforcement and Outreach Capacity.* The City references utilizing and contracting with Fair Housing Council of Orange County and Fair Housing Foundation for fair housing enforcement and outreach capacity.<sup>135</sup> However, the City only describes the missions and work of these organizations and largely identifies efforts to educate residents and housing providers, without any description of actual enforcement activities or a description of the actual outreach capacity. The City should include details describing actual enforcement and outreach capacity.

*Segregation and Integration.* “At minimum, the analysis must discuss levels of segregation and integration for race and ethnicity, income, familial status, persons with disabilities, and identify the groups that experience the highest levels of segregation.”<sup>136</sup>

The City must bolster its discussion of segregation and integration. While the City analyzes some data regarding other protected classes, as it relates specifically to segregation the City largely focuses its analysis on race and ethnicity and to some extent income, the City should consider these segregations trends over time and consider whether there are patterns of segregation for other protected classes including familial status and persons with disabilities.<sup>137</sup> While the City does some comparisons between the City, State, and County data, the City does not actually analyze regional segregation and integration trends other than occasionally mentioning trends along its borders. If protected classes are being segregated into other locations in the region and isolated from Costa Mesa, the City should consider what factors are contributing to those trends. For example, the percentage of family households in Costa Mesa is significantly less than the County and the State.<sup>138</sup> Additionally, the City references some local factors and knowledge, such as the number of fair housing complaints from residents, it does not do much analysis of this local data or knowledge or consider other local data and knowledge.<sup>139</sup> To strengthen its analysis, the City should analyze integration and segregation patterns and trends based on income, familial status, and disability status currently and over time and provide additional analysis of ethnic and racial segregation over time. The analysis should be at a local and regional level for all protected classes. Furthermore, the City should utilize local data and

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<sup>132</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 27–28, 62 (April 2021).

<sup>133</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

<sup>134</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

<sup>135</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-48, 3-67 (August 2021).

<sup>136</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 31 (April 2021).

<sup>137</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-49 to 3-57 (August 2021).

<sup>138</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-62 (August 2021).

<sup>139</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-67 (August 2021).

knowledge and other relevant factors “beyond data that identifies and compares concentrations of groups with protected characteristics.”<sup>140</sup>

*R/ECAPs and RCAAs.* Jurisdictions must identify R/ECAPs and RCAAs.<sup>141</sup> “The analysis must be conducted at a regional and a local level where the incidence of concentrated areas of poverty is discussed relative to the region and within the locality. Importantly, this regional comparison should discuss the incidence of racial concentrations in areas of affluence.”<sup>142</sup>

While the City does an analysis of R/ECAPs,<sup>143</sup> the City does not even mention RCAAs, local data, local knowledge, or other relevant factors. We recommend that the City present and analyze all relevant regional and local data about R/ECAPs and RCAAs. The City should also employ local data and knowledge, and other relevant factors.

*Disparities in Access to Opportunity.* The City’s discussion of disparities in access to opportunity is inadequate. HCD’s Guidance Memo presents questions that the City “should, at minimum” answer.<sup>144</sup> These questions cover disparities in educational, transportation, economic, and environmental opportunities, and disparities in other factors.<sup>145</sup> While the City utilizes some data sources regarding these factors and does an analysis of the factors, the City fails to connect the factors to data related to protected classes and whether there are disparities related to members of protected classes and access to opportunities.

*Disproportionate Housing Needs, Including Displacement.* Jurisdictions must analyze both disproportionate housing needs and displacement.<sup>146</sup> “[C]ategories of housing need are based on such factors as cost burden and severe cost burden, overcrowding, homelessness, and substandard housing conditions.”<sup>147</sup>

The City touches on cost burden, severe cost burden, and overcrowding, but only does a comparison of this date between the City, County, and the State.<sup>148</sup> There is no discussion as to whether members of protected classes living in the City are experiencing these housing needs at greater rates than other residents and what factors are contributing to those disproportionate housing needs among protected classes. Substandard housing seems to only be addressed as the

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<sup>140</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 25 (April 2021).

<sup>141</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32–34 (April 2021).

<sup>142</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32 (April 2021).

<sup>143</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-50 to 3-52 (August 2021).

<sup>144</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35 (April 2021).

<sup>145</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35–36 (April 2021).

<sup>146</sup> Cal. Gov. Code Section 65583(c)(10)(ii).

<sup>147</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 39 (April 2021).

<sup>148</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-61 to 3-65 (August 2021),

age of housing units.<sup>149</sup> The City should do more analysis of issues regarding substandard housing in the City, particularly as it impacts protected classes. There is no analysis of homelessness as it relates to fair housing and impacts on protected classes, which the City must consider. We recommend following HCD's Guidance Memo and analyzing the aforementioned disproportionate housing needs, especially as they relate to protected classes.

Additionally, the City only touches on displacement and seems to indicate that there is no affordable housing complexes at risk of conversion to market rate and therefore no displacement risk to consider. The City should revise this section for two major reasons. First, the City has a significant and recent history of displacement concerns as was raised in multiple public meetings which has resulted in the City eliminating or seeking to eliminate certain housing policies that caused displacement and to change how it identifies sites in those areas. The City needs to analyze and address these displacement concerns, even if the City thinks it has already resolved the issue. Second, the City goes through great lengths to distribute more of its affordable units in its site inventory in areas that have lower concentrations of ethnic and racial minorities and low-income households. However, the City still identifies many housing sites in these areas, just predominately for market rate. An influx of market rate units into low-income and segregated communities creates the risk of indirect displacement and the City should analyze and address this potential.

*Conclusion and Summary of Fair Housing Issues.* None of the City's sections conclude and summarize fair housing issues, likely because the City does not actually connect the analysis of the various factors to fair housing issues and the impacts on protected classes. The City should revise its assessment of fair housing and provide conclusions and summaries of the fair housing issues experienced by its residents.

### Site Inventory

A jurisdiction's site inventory must be consistent with the jurisdiction's obligation to affirmatively further fair housing.<sup>150</sup> "Sites must be identified and evaluated relative to the full scope of the assessment of fair housing."<sup>151</sup> The jurisdiction should consider the following during its site inventory analysis:

- how identified sites better integrate the community;
- how identified sites exacerbate segregation;
- whether the jurisdiction concentrated the RHNA by income group in certain areas of the community;
- whether local data and knowledge uncover patterns of segregation and integration; and
- how other relevant factors can contribute to the analysis.<sup>152</sup>

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<sup>149</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-64 to 3-65 (August 2021).

<sup>150</sup> Cal. Gov. Code § 65583.2(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45 (April 2021).

<sup>151</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 3, 45 (April 2021).

<sup>152</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45–46 (April 2021).

The identified sites must attempt to improve conditions related to integration and segregation patterns and trends related to people with protected characteristics; racially or ethnically concentrated areas of poverty or affluence; disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and disproportionate housing needs within the jurisdiction, including displacement risk.<sup>153</sup> Moreover, the jurisdiction must map the number of units at identified sites and include the sites' assumed affordability.<sup>154</sup> The jurisdiction should also address whether it groups sites near areas of concentrated affluence or areas of concentrated poverty.<sup>155</sup>

The City provides several maps of its site inventory in relation to concentrations of ethnic and racial minorities and lower-income residents.<sup>156</sup> While these maps do not identify the sites by assumed affordability, the City does provide an analysis of the affordability levels as it relates to the different categories and demographics contained in the maps. It is clear from the City's analysis that it went to great lengths to distribute more of the affordable units in areas of higher income residents and higher concentrations of White residents in an attempt to affirmatively further fair housing. While this is commendable, it is still concerning that, for example, there are no sites in any of the areas in the City with less than 40% non-White residents.<sup>157</sup> So while the City made an attempted to further fair housing among the sites identified, it does not seem that the City made an effort to affirmatively further fair housing in the actual selection of the sites. The City should make a greater effort to identify sites throughout the community, including in areas of the City with less than 40% non-White residents and the City should further analyze whether the identification of the majority of its sites in lower-income communities with higher concentrations of racial and ethnic minorities actually furthers fair housing or will only result in continued trends of segregation.

#### Identification and Prioritization of Contributing Factors

As a result of a jurisdiction's assessment of fair housing, the jurisdiction must identify and prioritize significant contributing factors to fair housing issues.<sup>158</sup> The jurisdiction must explain how it prioritized contributing factors.<sup>159</sup> "A fair housing contributing factor means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues."<sup>160</sup> The jurisdiction must follow these steps:

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<sup>153</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(ii).

<sup>154</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021).

<sup>155</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 48 (April 2021).

<sup>156</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-68 to 3-74 (August 2021).

<sup>157</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-72 (August 2021).

<sup>158</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(iii).

<sup>159</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).

<sup>160</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

- (1) identify fair housing issues and significant contributing factors;
- (2) prioritize contributing factors, giving highest priority to those factors that
  - (a) deny fair housing choice or access to opportunity or
  - (b) negatively impact fair housing or civil rights compliance; and
- (3) discuss strategic approaches to inform and strongly connect these contributing factors to goals and actions.<sup>161</sup>

The City seems to only adopt the same four factors identified for the City in the countywide Analysis of Impediments,<sup>162</sup> which likely is due to the fact that the City fails to fully assess fair housing and just provides data in attempt to satisfy the State requirements. Additionally, the City does not prioritize contributing factors. The City must do so to comply with State law. We suggest the City consult HCD's Guidance Memo for further details.

### Goals, Policies, and Actions

Jurisdictions must provide goals, policies, and a schedule of actions during the planning period to affirmatively further fair housing.<sup>163</sup> These goals, policies and actions must be based on the jurisdiction's identification and prioritization of contributing factors.<sup>164</sup> The jurisdiction's actions may address, but are not limited to, the following areas:

- mobility enhancement,
- new housing choices and affordability in high opportunity areas,
- place-based strategies for preservation and revitalization,
- displacement protection, and
- other program areas.<sup>165</sup>

The jurisdiction's actions must be meaningful and sufficient to overcome identified patterns of segregation and to affirmatively further fair housing.<sup>166</sup> Accordingly, actions must commit to specific deliverables, measurable metrics, or specific objectives.<sup>167</sup> Actions must also have definitive deadlines, dates, or benchmarks for implementation.<sup>168</sup> In contrast, "programs that 'explore' or 'consider' on an 'ongoing' basis are inadequate . . . ."<sup>169</sup> Moreover, adequate

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<sup>161</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

<sup>162</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 3-46, 3-67 to 3-68 (August 2021).

<sup>163</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).; Cal. Gov. Section 65583(c)(10)(A)(iv)–(v).

<sup>164</sup> Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).

<sup>165</sup> Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).

<sup>166</sup> Cal. Gov. Section 8899.50(a)(1), (b); AFFH Guidance Memo 51–53 (April 2021).

<sup>167</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

<sup>168</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

<sup>169</sup> HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

actions must be “in addition to combatting discrimination” and “well beyond a continuation of past actions.”<sup>170</sup>

The City’s goals, policies, and actions fall below California law’s standard. Many of the City’s goals, policies, and actions do nothing more than make information available on its website claiming that “an educated community is an empowered community.”<sup>171</sup> The City assumes that by providing information on its website, information likely already available on the internet, somehow housing discrimination will end, the community will become integrated, and all individuals will have equal access to housing opportunities. The City should consider goals that will actually result in beneficial impacts to the community beyond just making information available online. Also, the City has other goals, policies, and actions that only commit the City to continuing current programs. For instance, the City will continue to contract with the Fair Housing Foundation or continue to participate in the Orange County Housing Authority’s Housing Choice Voucher program.”<sup>172</sup> But the City already provided these services, which means that they cannot count as satisfactory affirmatively furthering fair housing goals. Additionally, these goals are vague and it is unclear how the City actually engages with these entities and what services and programs the City’s residents gain by these programs. For example, it is unclear what City action actually makes any difference in or has any influence on the provision of Housing Choice Vouchers to City residents. While the City provides other goals that are beyond providing information or continuing past actions, many of the City’s goals, policies, and actions are noncommittal and generally the City’s fair housing goals lack measurable objectives and specific timelines for implementation, as has been discussed throughout our comment letter. The Program 2A: Inclusionary Housing Ordinance could go a long way toward combatting patterns of segregation and encouraging affordable housing throughout the community, but the City states that it will only “consider” adoption of such an ordinance.<sup>173</sup> Other goals state the City will simply “analyze potential development incentives for affordable housing,” “pursue opportunities,” “encourage development,” “consider amendments” and “continue to evaluate.” These exemplify the City’s failure to include measurable objectives and concrete action steps or firm commitments to address the housing needs of its residents.<sup>174</sup> For most of its goals, the City designates the timeframes as “ongoing”—a feature that renders goals inadequate.<sup>175</sup> Because many of the City’s goals, policies, and actions lack measurable objectives and timelines for implementation, this section cannot withstand HCD’s scrutiny. We suggest picking actions that go beyond providing information and beyond continuing past actions. We also recommend that the City add specific metrics and milestones to its goals. We again refer the City to HCD’s Guidance Memo.

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<sup>170</sup> Cal. Gov. Code Section 8899.50(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

<sup>171</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-15 to 4-18 (August 2021).

<sup>172</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-16 to 4-17 (August 2021).

<sup>173</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).

<sup>174</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).

<sup>175</sup> City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).

**Conclusion**

The housing element process is an opportunity for jurisdictions to meet the needs of California's residents, including needs for housing that is accessible to seniors, families, and workers and the needs of extremely-low-, very-low-, and low-income families for affordable housing. We commend the efforts the City is making to identify and address the housing needs of all of its residents and we hope that the City will take advantage of this opportunity to adopt meaningful programs that actually commit the City to take actions during the planning period to address the housing needs of its most vulnerable residents and to affirmatively further fair housing. We look forward to continuing to work with the City through this process and encourage the City to reach out to us with any questions or concerns.

Sincerely,

**THE PUBLIC LAW CENTER, BY:**



Richard Walker, Housing and Homelessness Prevention Unit, Senior Staff Attorney  
Alexis Mondares, Housing and Homelessness Prevention Unit, Legal Fellow



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September 15, 2021

Lori Ann Farrell Harrison  
City Manager  
City of Costa Mesa  
77 Fair Dr.,  
Costa Mesa, CA 92626

**Re: Objection to Housing Element.**

Dear Ms. Harrison:

On behalf of the California Consortium of Addiction Programs and Professionals (CCAPP) - the largest statewide consortium of community-based for profit and non-profit recovery residences – we respectfully object to Costa Mesa’s housing element because it contains discriminatory clauses against people in recovery in blatant violation of fair housing.

Several items<sup>1</sup> in Costa Mesa’s municipal code (see detailed list attached) echo practices already proven discriminatory per the outcome of *Encinitas and Pacific Shores et. Al. v. City of Newport Beach*. They specifically target recovery residences and are discriminatory at every level because they ask people of a disabled class to adhere to regulation that people who are not disabled are not required to conform to. Employment checks, 24-hour supervision of adults in recovery, and distance requirements are glaringly not “reasonable accommodations,” in any sense of the definition.

On March 25, 2021, the Department of Housing and Community Development (HCD) sent the City of Encinitas a letter declaring their ordinance to be discriminatory and contrary to both state and federal law (see attached). This led to an immediate response from the city and this ordinance has since then been repealed. Subsequently, on May 3, 2021, the City of Anaheim was sent a letter of technical assistance regarding its discriminatory ordinance that is very similar to the Encinitas notice of violation. CCAPP has notified HCD of all known ordinances of similar nature including yours so that the same enforcement action can be taken.

In *Pacific Shores et. al. v. City of Newport Beach*, the City of Newport Beach settled with the plaintiffs, agreeing to pay \$5.25 million to a group of recovery residences. Given the settlement and both outside and in-house counsel, this case cost the City of Newport Beach well over \$10 million over the seven year course of trying to defend its actions. This outcome was prior to the attached 10-page notice of violation sent to the City of Encinitas which reads, in part:

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<sup>1</sup> Title 9, Chapter II, Article 23 of the Municipal Code, Chapters XV and XVI of Title 13 (Zoning), and Article 23 of Title 9 (Licenses and Business Regulations)

“On December 16, 2020, the City adopted Ordinance No. 2020-16, amending the Municipal Code to regulate Group Homes and, as a subset of Group Homes, Sober Living Facilities. Described in greater detail below, HCD finds that the City’s ordinance is in violation of statutory prohibitions on discrimination in land use (Gov. Code, § 65008) by imposing separate requirements on housing for a protected class (based on familial status and disability), limiting the use and enjoyment of their home, and jeopardizing the financial feasibility of group and sober living homes. The City must take immediate steps to repeal Ordinance No. 2020-16.”

The notice of violation is a clear and unmistakable declaration that these ordinances are in violation of state housing laws. It also makes clear that HCD will take action, up to and including, the assistance of the California Office of the Attorney General.

And it is for these reasons that we object to your housing element as proposed.

Sincerely,



Pete Nielsen  
President and Chief Executive Officer

Specific Considerations Objectionable in the Municipal Code

1. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(a) The owner/operator shall submit an application to the director that provides the following information:

- (7) relapse policy

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

- (vii). The relapse policy;

**These provisions target persons with disability. Other homes within the jurisdiction are not required to report to the city when a person relapses or what preparations are made for such an occurrence.**

2. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes.*

- (1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

- (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

**Recovery residences are homes, not facilities. There are no "day-to-day operations" which require 24 hour supervision. This requirement, particularly for smaller homes will make it economically unfeasible to exist. Recovery residences cannot simply require 24-hour supervision without paying the persons responsible for providing this service. Typical, house managers, senior residents, or mentors are paid a small stipend of their contributions to the leadership they provide. To change this model to 24-hour supervision would make this type of housing unaffordable. Three 8-hours shifts at \$15 per hour would increase the cost of the unit to \$2,520 per week, or \$10,080 per month. If it is the city's intention to expel this housing from the jurisdiction via onerous financial requirements, the resulting homelessness increase should be taken into consideration.**

**Persons in this stage of recovery are not in need of supervision as determined by the American Society of Addiction Medicine:**

Although persons in recovery are afforded protections under the Americans with Disabilities Act, the disability concerned does not imply that persons in recovery are in need of physical assistance (dressing, feeding) or in need of supervision. In fact, the American Society of Addiction Medicine Placement criteria for addictions patients, originally published in 1991 and now in its third edition (2013), directly contradicts the notion that persons in recovery residences are being supervised, in a clinical sense. Use of this criteria is a decades old industry standard and is now required for all programs licensed or certified by the Department of Health Care Services. By definition, persons living in a recovery residence do not require supervision. Applying ASAM criteria, persons in a supportive living environment would, at most, be classified as level 1.0, although many in long term recovery may not even be assessed as needing any treatment:

*“At ASAM Level 1 placement/Recovery Environment, it is clear that medical experts do not consider supervision to be necessary. Likening this level to a mental health scenario, one could compare this level to a patient who has received a higher level of care, inpatient or otherwise, and is now perhaps receiving medication and attending weekly therapy.”*

3. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator’s permit.

(b) Requirements for operation of group homes.

(11) In addition to the regulations listed above, the following shall also apply to sober living homes:

- i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs including but not limited to Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home’s rule and regulations, refusal to actively participate in such a program shall be cause for eviction.
- ii. The sober living home’s rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home’s rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator’s permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:

- i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

- iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

(ii) The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

The ordinances asks for “immediate removal” of persons not “actively participating” in a “legitimate recovery program” and to ban communication with other residents should relapse occur.

Substance use disorder is prone to relapse. A person should not become homeless for relapse. Substance use disorder is a medical issue. Anyone relapsing may be in physical danger and in need of detoxification or treatment. In fact, “immediate removal” of a client in a licensed treatment program is prohibited by regulation due to safety concerns for the relapsing client. It takes time to contact family, arrange for detoxification, and find an open treatment bed, immediate removal is unrealistic and dangerous.

As for “legitimate recovery programs” as define in the ordinances, many persons in long term recovery do not necessarily attend meetings or have a need for outpatient services. For some hiking in the wilderness, working, or reuniting with family constitutes all the recovery services that they need. You cannot force people to attend a religious group or seek medical attention that they no longer need and do not desire to participate in. It is their right, this right was made clear when the City of Dana Point successfully sued a recovery residence for requiring that outside services be attended as a violation of state licensing law for alcohol drug treatment facilities. People in recovery are mature adults with civil rights which include the right to pursue personal recovery activities as they choose. How can city staff, with no knowledge of recovery define what is “legitimate?”

And what constitutes “active participation?” Who decides how much attendance is necessary for each person? To prove any program attendance, requires violating the disabled persons' privacy (particularly if the attendance involves outpatient treatment, a medical service, as opposed to mutual aid meetings). Maintaining records regarding medical and spiritual attendance for an individual is a violation of privacy, and in the case of outpatient treatment, a violation of Health Insurance Portability and Accountability Act of 1996. Asking city staff to review the personal health and spiritual activities of any of its citizens is a violation of privacy on every level.

4. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator’s permit.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator’s permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:
  - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

- ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or
  - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:
  - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);
  - ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or
  - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:
  - i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.

As per California statute, employers are prohibited from denying employment based upon disability. A one year sobriety requirement clearly violates employment laws. Many people with substance use disorder lose employment for reasons stated in the ordinances. House managers live at the residence. Denial of housing based on employment history is beyond reasonable. Realizing that people in early recovery often have legal issues connected to previous drug use, denial of housing based on criminal history, including simple possession of cannabis, is discriminatory and specifically designed to limit this type of housing. Are other renters in the jurisdiction denied housing for this broad array of criminal acts? Are other renters denied housing based on employment loss? Are other businesses who provide housing held to this standard?

5. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes.*

(11) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Are other citizens prohibited from profanity or being "obnoxious?" Are other families required to respond to neighbor's complaints? Who decides what "unduly interfering" means? There are code compliance mechanisms in place to handle such complaints for other persons in the jurisdiction. Why is this disabled class being subjected to different criteria with consequences that can lead to removal of housing for them? Should all citizens in the jurisdiction who violate noise codes or use their First Amendment rights to express themselves in poor taste be subject to loss of residency and homelessness? Is an arbitrary "be good" clause a reasonable accommodation?

6. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

*(b) Requirements for operation of group homes.*

- (2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may **each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit**. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

- (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:
- (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager **may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit**. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

**There exist parking regulation that governs where individuals can park. These parking requirements go beyond existing regulations and subject a disabled class of individuals to separate and discriminatory rules. Individuals without disability are not told they can only park one car in a 500 feet distance from their home.**

7. Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

- (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- i. The sober living home is **not located within six hundred fifty (650) feet**, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At **least ten (10) days prior to issuing a special use permit**, the director shall **cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home**. Prior to issuance of the special use permit, the director shall **hold a public hearing** for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

- iii. The sober living home, as measured by the closest property lines, is **located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism**

or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

(3) The group home or sober living home is at least six hundred fifty (650) feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

Municipal Code Title 13, Chapter XVI, 13-223. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

(b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least six-hundred fifty (650) feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

**The types of facilities where distance requirements may be imposed is set by state statute. These ordinances are contrary to this statute. State statute applies to licensed facilities only and the arbiter who decides whether "overconcentration" exists is the Department of Health Care Services:**

**"1520.5. (b) The Legislature hereby declares it to be the policy of the state to prevent overconcentrations of residential facilities that impair the integrity of residential neighborhoods. Therefore, the department shall deny an application for a new residential facility license if the department determines that the location is in a proximity to an existing residential facility that would result in overconcentration."**

**The distance requirements set forth in the aforementioned ordinances more than double the distance requirements set by state statute. It is excessive and discriminates against a disabled class of people as it excludes what is in essence a normal residence from many spaces that other residents without this disability would not have to adhere to.**

**Furthermore, if say a group of birdwatchers wanted to move into a residence they would not be expected to notify every neighbor within 500 ft of their property that they are moving in. They would**

**also not be required to hold a hearing to make a case as to why they should be permitted to move in to that space. These practices are discriminatory and clearly meant to exclude sober living homes.**

8. Municipal Code Title 13, Chapter XVI, 13-320. Purpose.

This chapter is intended to **preserve the residential character** the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

- (b) Limiting the secondary impacts of group homes by **reducing noise and traffic, preserving safety and providing adequate off-street parking;**

**This is discriminatory on face value. Would a concentration of birdwatchers living together degrade a neighborhood? Would a concentration of LGBTQ individuals degrade a neighborhood? There are no services in a recovery residence; they are not institutions. As for "secondary impacts" of group homes we ask that the city produce concrete evidence of such impacts.**

9. Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

- (a) A **special use permit shall be required** for and may be granted **to permit the operation of a group home including a sober living home with six (6) or fewer occupants** in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

- (2) The application includes **a live scan of the house manager and/or operator** of the group home.

**House managers typically live with residents and are a part of the family in much the same way a parent would act as a mentor, leader, and a person who encourages that rules are followed, chores are completed, and disputes are amicably resolved. Requiring a live scan is excessive and discriminatory. As per California employment statute, employers are prohibited from sharing background information about their employees.**

**From:** Darryl Shinder <darryl@pipelinepromotions.com>  
**Sent:** Wednesday, September 15, 2021 4:26 PM  
**To:** Housing Element; Compliancereview@hcd.ca.gov  
**Cc:** dmsherdan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org  
**Subject:** Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029  
**Attachments:** Ordinance 14-13.pdf; Ordinance 13-05.pdf

Hello,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-29 and 3-30 the Public Review Draft (August 2021) discusses the City's definition of Single Housekeeping Unit. The City's presentation of that definition is misleading to the public and HCD.

Since 2013, the City has amended its definition of Single Housekeeping Unit twice for the express purpose of excluding Group Homes for persons with disabilities from qualifying as a Single Housekeeping Unit in order to subject housing for persons with disabilities to the City's discriminatory zoning regulations.

First, in December 2013, the City enacted Ordinance 13-05. As explained at the time by City staff, Ordinance 13-05 amended the definition of Single Housekeeping Unit for the express purpose of excluding Group Homes from its coverage to enable the City to subject Group Homes to discriminatory zoning regulations. A copy of the relevant City report regarding Ordinance 13-05 is attached to this email.

Next, in October 2014, the City again amended the definition of Single Housekeeping Unit as part of Ordinance 14-13, which simultaneously enacted discriminatory zoning regulations that applied solely to Group Homes for persons with disabilities. Ordinance 14-13 also added a definition for Group Home (formerly defined as Residential Service Facilities), which its discriminatory zoning regulations -- enacted in the very same ordinance -- targeted with laser-like efficiency:

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Ordinance 14-13 simultaneously and retroactively prohibited any existing use defined as a Group Homes, including Sober Living Homes, from the City's R-1 zoning district unless the Group Home obtained a Special Use Permit (SUP). The City then denied SUPs to most existing R-1 Group Homes and cited and ordered them to close, ousting their disabled residents from their housing. In 2015, the City extended similar zoning regulation to its Multifamily Zoning Districts.

Since enactment of Ordinance 14-13's definition of Single Housekeeping Unit, there is no public record reflecting any determination by the City that supportive housing of persons with disabilities constitutes a Single Housekeeping Unit.

Thanks for your attention in this matter,

Darryl Shinder  
SoCal Recovery

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

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## **ORDINANCE NO. 14-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL), ADDING CHAPTER XV (GROUP HOMES), AND REPEALING AND REPLACING ARTICLE 15 (REASONABLE ACCOMMODATIONS) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS), OF TITLE 13 (ZONING CODE) AND AMENDING THE CITY OF COSTA MESA LAND USE MATRIX - TABLE NO. 13-30 OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) OF THE COSTA MESA MUNICIPAL CODE RELATING TO GROUP HOMES**

**THE CITY COUNCIL OF THE CITY OF COSTA MESA MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THE FOLLOWING ORDINANCE:**

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the single-family characteristics of its single-family neighborhoods, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

WHEREAS, both the California Supreme Court and United States Supreme Court have held that cities have the right to regulate both the number of people who may reside in a single family home and the manner in which the single family is used as long as such regulations do not unfairly discriminate or impair an individual's rights of privacy and association; and

WHEREAS, individuals and families often purchase homes in single-family neighborhoods for the relative tranquility and safety that often accompanies such neighborhoods and with the expectation of establishing close and long-standing ties with their neighbors; and

WHEREAS, with these expectations, individuals and families commit to making what will be, for most of them, the single largest financial investment of their lives, as well as one of the most significant emotional investments; and

WHEREAS, the Federal Fair Housing Act Amendments ("FHAA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of zoning ordinances which would on their face or have the effect of discriminating against equal housing opportunities for the handicapped; and

WHEREAS, a core purpose of the FHAA, FEHA and California's Lanterman Act is to provide a broader range of housing opportunities to the handicapped; to free the handicapped, to the extent possible, from institutional style living; and to ensure that handicapped persons have the opportunity to live in normal residential surroundings and

use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-handicapped; and

WHEREAS, to fulfill this purpose the FHAA and FEHA also require that the City provide reasonable accommodation to its zoning ordinances if such accommodation is necessary to afford a handicapped person an equal opportunity to use and enjoy a dwelling; and

WHEREAS, the Lanterman Act fulfills this purpose in part by requiring cities to treat state licensed residential care facilities serving six or fewer as a residential use; and

WHEREAS, in enacting this Ordinance the City Council of the City of Costa Mesa is attempting to strike a balance between the City's and residents' interests of preserving the single family characteristics of single-family neighborhoods and to provide opportunities for the handicapped to reside in single-family R1 zones that are enjoyed by the non-handicapped; and

WHEREAS, over the past several years the City, County and State have seen a significant increase in the number of single-family homes being utilized as alcohol and drug recovery facilities for large numbers of individuals (hereafter, "sober living homes"); and

WHEREAS, the increase appears to be driven in part by the Substance Abuse and Crime Prevention Act of 2000 (hereafter, "the Act") adopted by California voters which provides that specified first-time drug and alcohol offenders are to be afforded the opportunity to receive substance abuse treatment rather than incarceration; and

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and

WHEREAS, the City of Costa Mesa has seen a sharp increase of sober living homes, which has generated community outcry and complaints including, but not limited to overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of sober living facilities in close proximity to each other creating near neighborhoods of sober living homes; and

WHEREAS, this significant increase in sober living homes has become an rising concern for cities statewide as local officials are in some cases being bombarded with complaints from residents about the proliferation of sober living homes; conferences drawing local officials from around the state are being held discussing what to do about the problems associated with sober living homes; it has been the topic of several League of California Cities meetings; there have been numerous city-sponsored attempts at legislative fixes that have failed in committee; and litigation is spreading across the state as cities attempt to address the problem; and

WHEREAS, as of the date of adoption of this Ordinance, it is estimated that the City of Costa Mesa is home to 1,214 alcohol and drug recovery beds, divided as follows: 40 licensed residential facilities/certified alcohol and drug programs in residential zones, providing 398 beds; 94 unlicensed sober living homes in residential zones, providing 740 beds; and 1 sober living home on two separate parcels, providing 76 beds in a non-residential zone; and 28 nonresidential services facilities, providing support services such as administrative offices, therapy etc.; and

WHEREAS, the number of sober living homes in the City of Costa Mesa is rapidly increasing, leading to an overconcentration of sober living homes in the City's R1 neighborhoods, which is both deleterious to the single-family character of the R1 neighborhoods and may also lead to the institutionalization of such neighborhoods; and

WHEREAS, the purpose of sober living homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the single family neighborhood of their choice; and

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered handicapped under both the FHAA and FEHA; and

WHEREAS, concentrations of sober living homes and/or the placement of inordinately large numbers of recovering addicts in a single dwelling can undermine the benefits of home ownership in single-family neighborhoods for those residing nearby and undermine the single-family characteristics of neighborhoods; and

WHEREAS, in some cases, operators of sober living homes have attempted to house inordinately large numbers of recovering addicts in a single-family dwelling in Costa Mesa; for example, in one case an operator has placed 15 beds in a single-family home; and there has been a tendency for sober living homes to congregate in close proximity (for example, five sober living homes are located next to each other on one street in a R1 zone); and

WHEREAS, the City has experienced situations in which single-family homes are remodeled to convert common areas such as family rooms, dressing rooms, and garages into bedrooms (in one case a patio was converted to a room where 6 beds were found) or to add multiple bedrooms for the sole purpose of housing large numbers of recovering addicts in a single dwelling; and

WHEREAS, it has been the City's experience that most, if not all, operators of sober living homes have taken the stance that the FHAA and FEHA prohibit the City from regulating them in any fashion, that they are free to house as many recovering addicts in a single home as they desire, and that they are not required to make any showing to obtain an accommodation from the City's zoning ordinances, which allow a sober living home to house up to six recovering addicts as a matter of right; and

WHEREAS, based on the City's experience it has become clear that at least some operators of sober living homes are driven more by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which remotely resembles the manner in which the non-disabled use and enjoy a dwelling; and

WHEREAS, this Ordinance and the balance of the City's zoning scheme have built in an accommodation for group homes to locate in the R1 neighborhoods as long as they are serving six or fewer tenants, whereas a similarly situated and functioning home with non-handicapped tenants would be defined as a boarding house and only be allowed three residents; and

WHEREAS, this Ordinance will provide a mechanism for a group home to seek additional accommodation above the six residents upon making a showing, as required by state and federal law, that such additional accommodation is reasonably necessary to afford the handicapped the right to use and enjoy a dwelling in a manner similar to that enjoyed by the non-handicapped; and

WHEREAS, permitting six or fewer residents in a sober living home and establishing distance requirements is reasonable and non-discriminatory and not only helps preserve the single family characteristic of single family neighborhoods, but also furthers the purpose for which sober living homes are established: (1) the State legislature in establishing licensed residential care facilities as a residential use, including group homes serving recovering addicts, found that six residents was a sufficient number to provide the supportive living environment that experts agree is beneficial to recovery; (2) Group Homes serving six or fewer have existed and flourished in the State for decades and there has been no significant efforts or suggestions to increase the number; (3) the City has received expert testimony stating that six is a reasonable number for a sober living facility and is sufficient to provide the supportive living environment that is beneficial to recovery and that larger numbers can actually reduce the chances of recovery; (4) a 2005 UCLA study found that 65-70% of recovering addicts do not finish the recovery programs into which they are placed and a comfortable living environment is a factor in whether recovering addicts will finish their programs; (5) drug and alcohol addiction is known to affect all income levels and there is no evidence in the record that individuals residing in sober living homes are financially unable to pay market rate rents and certainly the experience in the City of Newport Beach, where rents and property are among the most expensive in Orange County, is evidence that such addiction has a profound effect on the wealthy; (6) in any event, receiving rent from up to six individuals will provide sufficient income for operators of sober living homes and result in revenue which is well above market rate rents; (7) the evidence in the record indicates that in general operators of sober living homes do not incur significant costs over and above what landlords of other similarly-situated homes may incur; and (8) limiting the number of recovering addicts that can be placed in a single-family home enhances the potential for their recovery; and

WHEREAS, sober living homes do not function as a single-family unit nor do they fit the City's zoning definition of a single-family for the following reasons: (1) they house

extremely transient populations (programs are generally about 90 days and as noted, the 2005 UCLA study found that 65-70% of recovering addicts don't finish their recovery programs); (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are often just kicked out of the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay significantly above-market rate rents; and

WHEREAS, the size and makeup of the households in sober living homes, even those allowed as a matter of right under the Costa Mesa Municipal Code, is dissimilar and larger than the norm, creating impacts on water, sewer, roads, parking and other City services that are far greater than the average household, in that the average number of persons per California household is 2.90 (2.74 in Costa Mesa's R1 zones according to the City's General Plan), while a sober living facility allowed as a matter of right would house six, which is in the top 5% of households in Orange County according to the most recent U.S. federal census data; and

WHEREAS, all of six individuals residing in a sober living facility are generally over the age of 18, while the average household has just 2.2 individuals over the age of 18 according to the most recent federal census data; and

WHEREAS, the City utilizes federal census data and other information relating to the characteristics of single-family neighborhoods for among other things: (1) determining the design of residential homes, residential neighborhoods, park systems, library systems, transportation systems; (2) determining parking and garage requirements of single-family homes; (3) developing its General Plan and zoning ordinances; (4) determining police and fire staffing; (5) determining impacts to water, sewer and other services; and (5) in establishing impacts fees that fairly and proportionally fund facilities for traffic, parks, libraries, police and fire; and

WHEREAS, because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single home and the lack of regulations, sober living facilities present problems not typically associated with more traditional single-family uses, including: the housing of large numbers of unrelated adult who may or may not be supervised; disproportionate numbers of cars associated with a single-family home which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no interaction with the neighborhood; a history of opening facilities in complete disregard of the Costa Mesa Municipal Code and with little disregard for impacts to the neighborhood; disproportional impacts from the average dwelling unit to nearly all City services including sewer, water, parks, libraries, transportation infrastructure, fire and

police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

WHEREAS, a 650-foot distance requirement provides a reasonable market for the purchase and operation of a sober living home within the City and still results in preferential treatment for sober living homes in that non-handicapped individuals in a similar living situation (i.e., in boardinghouse-style residences) cannot reside in the R1 zone; and

WHEREAS, housing inordinately large numbers of unrelated adults in a single-family home or congregating sober living homes in close proximity to each other does not provide the handicapped with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for the handicapped, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, notwithstanding the above, the City Council recognizes that while not in character with a single-family neighborhood, that when operated responsibly, a group homes, including sober living homes, provide a societal benefit by providing the handicapped the opportunity to live in single-family neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to R1 zones to group homes, including sober living homes, than to boardinghouses provides a benefit to the City and its residents; and

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are handicapped individuals and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in a single home are lessened; and

WHEREAS, in addition to group homes locating in single-family neighborhoods other state-licensed residential care facilities for six or fewer persons who are mentally disordered or otherwise handicapped or supervised, are also taking up residence in single-family neighborhoods; and

WHEREAS, the purpose of group homes for the handicapped is to provide the handicapped an equal opportunity to comfortably reside in the single family neighborhood of their choice; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b)(3) (General

Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

**Section 1:** The following definitions in Section 13-6 (Definitions) of Article 2 (Definitions) of Chapter I (General) of Title 13 (Planning, Zoning and Development) are hereby repealed, amended or added as follows:

*Alcoholism or drug abuse recovery or treatment facility* means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to Section 11834.01 of the California Health & Safety Code. *Alcoholism or drug abuse recovery or treatment facilities* are a subset of residential care facilities.

*Boardinghouse* A residence or dwelling, other than a hotel, wherein rooms are rented under three or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two or fewer rooms being rented. Boardinghouse, large means three or more rooms being rented.

*Development Services Department* means the Development Services Department of the City of Costa Mesa.

*Disabled* shall have the same meaning as *handicapped*.

*Fair housing laws* means the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

*Group home.* A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

*Handicapped.* As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

*Household* includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

*Integral facilities.* Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as Integral Facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such Integral Facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

*Integral uses.* Any two or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying federal, state and local laws to its operation.

*Operator* means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

*Planning division.* The planning division of the Development Services Department of the City of Costa Mesa.

*Referral facility.* A residential care facility or a group home where one (1) or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

*Residential care facility.* A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include but may not be limited to the following: intermediate care facilities for the developmentally disabled (Health & Saf. Code §§ 1267.8, 1267.9); community care facilities (Health & Saf. Code §§ 1500 et seq.); residential care facilities for the elderly (Health & Saf. Code §§ 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Saf. § 1568.02); alcoholism and drug abuse facilities (Health & Saf. Code §§ 11834.02-11834.30); pediatric day health and respite care facilities (Health & Saf. Code §§ 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Saf. Code §§ 1265 – 1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115-5120).

[Residential services facilities is hereby deleted.]

*Single housekeeping unit* means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

*Sober living home* means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

**Section 2:** Chapter XV (Group Homes) of Title 13 (Planning, Zoning and Development) is hereby added as follows:

#### **Chapter XV: Group homes.**

##### **13-310 Purpose.**

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the City's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

##### **13-311 Special use permit required.**

- (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

1. An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following: (1) the name, address, phone number and driver's license number of the owner/operator; (2) the name, address, phone number and driver's license number of the house manager; (3) a copy of the group home rules and regulations; (4) written intake procedures; (5) the relapse policy; (6) an affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home; (7) blank copies of all forms that all residents and potential residents are required to complete; and (8) a fee for the cost of processing of the application as set by Resolution of the City Council. No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.
2. The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.
3. The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.
4. The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24-hour basis and who are responsible for the day-to-day operation of the group home.
5. All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within 500 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
6. Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code Section 1503.5 and Section 80001(c)(3) of title 22, California Code of Regulations.
7. Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
8. If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

9. The property must be fully in compliance with all building codes, municipal code and zoning code
10. In addition to the regulations outlined above, the following shall also apply to sober living homes:
  - i. The sober living home is not located within 650 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.
  - ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
  - iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
  - iv. The number of occupants subject to the sex offender registration requirements of Penal Code Section 290 does not exceed the limit set forth in Penal Code Section 3003.5 and does not violate the distance provisions set forth in Penal Code Section 3003.
  - v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

- vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- vii. The sober living home shall not provide any of the following services as they are defined by Section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

11. An applicant may seek relief from the strict application of this Section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(9) above. The special use permit shall be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following circumstances:

1. Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
2. Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
3. Any owner/operator or staff person has been convicted of or pleaded *nolo contendere*, within the last seven to ten years, to any of the following offenses:
  - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290 (last 10 years);
  - ii. Arson offenses – violations of Penal Code Sections 451-455 (last seven years); or
  - iii. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person (last 10 years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven years).

4. Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
5. The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
6. A special use permit for a sober living home shall also be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following additional circumstances:
  - i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.
  - ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - iii. The sober living home, as measured by the closest property lines, is located within 650 feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state licensed alcoholism or drug abuse recovery or treatment facility moves within 650 feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.
7. For any other significant and/or repeated violations of this Section and/or any other applicable laws and/or regulations.
8. Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this Ordinance, that has obtained a reasonable accommodation pursuant to Section 13-200.62.

**13-312 Compliance.**

- (a) Existing group homes must apply for a special use permit within 90 days of the effective date of this ordinance.
- (b) Group homes that are in existence upon the effective date of this ordinance shall have one (1) year from the effective date of this ordinance to comply with its provisions, provided that any existing group home, which is serving more than six residents, must first comply with the six resident maximum.

(c) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional years grace period pursuant to planning division approval.

### **13-313 Severability.**

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This Ordinance shall be prospective in application from its effective date.

### **13-314 – 13-350 [Reserved.]**

**Section 3:** Article 15 (Reasonable Accommodations) of Chapter IX (Special Land Use Regulations) of Title 13 (Planning, Zoning and Development) is hereby repealed and replaced with the following:

### **13-200.60 Purpose.**

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq. and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed.

### **13-200.61 Applicability.**

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing.

### **13-200.62 Reasonable accommodations – procedure.**

(a) Application required. An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the

following information and be subject to the determinant factors required by this section.

(b) Submittal requirements. The application shall be made in writing, and shall include the following information:

1. The zoning code provision, regulation, policy, or condition from which accommodation is being requested;
2. The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;
3. Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;
4. Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;
5. The specific exception or modification to the Zoning Code provision, policy, or practices requested by the applicant;
6. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;
7. Any other information that the Hearing Officer reasonably concludes is necessary to determine whether the findings required by Section (e) can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected;

(c) Fees. No application fee is required.

(d) Director action. Within 60 days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit provided that, notwithstanding any other provision to the contrary, the standard of review on appeal shall not be *de novo* and the planning commission shall determine whether the findings made by the director are supported by substantial evidence presented during the evidentiary hearing. The planning

commission, acting as the appellate body, may sustain, reverse or modify the decision of the director or remand the matter for further consideration, which remand shall include specific issues to be considered or a direction for a *de novo* hearing.

(e) Grounds for reasonable accommodation. The following factors shall be considered in determining whether to grant a reasonable accommodation:

1. Special needs created by the disability;
2. Potential benefit that can be accomplished by the requested modification;
3. Potential impact on properties within the vicinity;
4. Physical attributes of the property and structures;
5. Alternative accommodations that may provide an equivalent level of benefit;
6. In the case of a determination involving a single family dwelling, whether the residents would constitute a single housekeeping unit;
7. Whether the requested accommodation would impose an undue financial or administrative burden on the City;
8. Whether the requested accommodation would require a fundamental alteration in the nature of a City program;
9. Whether granting the request would be consistent with the City's General Plan; and,
10. The property will be used by an individual with disability protected under fair housing laws.

(f) Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.
2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.
  4. The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.
  5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
  6. Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.
  7. Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
  8. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.
- (g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program.
1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
  2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
  3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's General Plan or an applicable Specific Plan.
  4. Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
  5. Any other factors that would cause a fundamental alteration in the City's zoning program, as may be defined in the Fair Housing Law.

### **13-200.63 Severability.**

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This Ordinance shall be prospective in application from its effective date.

### **13-200.64 – 13.200.69 [Reserved.]**

**Section 4.** Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

**Section 5.** Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state, or federal law, regulation, or codes dealing with life safety factors.

**Section 6.** This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED and ADOPTED this 21<sup>st</sup> day of October, 2014.

  
James M. Righeimer  
Mayor, City of Costa Mesa

ATTEST:

  
Brenda Green,  
City Clerk

APPROVED AS TO FORM:

  
Thomas Duarte,  
City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Ordinance Number 14-13 was introduced at a regular meeting of said City Council held on the 7<sup>th</sup> day of October, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 21<sup>st</sup> day of October, 2014, by the following roll call vote:

AYES: COUNCIL MEMBERS: Genis, Mensinger, Monahan, Righeimer

NOES: COUNCIL MEMBERS: Leece

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 22<sup>nd</sup> day of October, 2014.

  
Brenda Green, City Clerk



# **PLANNING COMMISSION**

## **AGENDA REPORT**

MEETING DATE: OCTOBER 14, 2013

ITEM NUMBER: PH 3

**SUBJECT:** CODE AMENDMENT C0-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATED TO RESIDENTIAL FACILITIES

**DATE:** OCTOBER 3, 2013

**FROM:** PLANNING DEPARTMENT/DEVELOPMENT SERVICES DIVISION

**PRESENTATION BY:** MEL LEE, SENIOR PLANNER

**FOR FURTHER INFORMATION CONTACT:** MEL LEE, AICP (714) 754-5611  
mel.lee@costamesaca.gov

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### **DESCRIPTION**

Code Amendment CO-12-02 is related to the Zoning Code regulations for residential facilities. More specifically, the amendment is proposed to the following Code Section in Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit".

### **RECOMMENDATION**

Recommend that City Council approve and give first reading to the ordinance.

## **ANALYSIS**

The proposed Code amendment involves changing the current zoning code definition of “single housekeeping unit” which is currently defined as follows:

*Single housekeeping unit. The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses.*

Per State law, the City is required to treat residential facilities serving six or fewer persons (defined in the Zoning Code above as residential care and residential service facilities), as a single-family residential use in the R1 zone. In 2011, in response to a complaint received by the City’s Code Enforcement Division, the City attempted to enforce the six or fewer requirement against a single-family residence on Van Buren Avenue. During the inspection, the Code Officer observed 11 beds and 13 residents in the home. The case was referred to the City Attorney’s Office for action, and the operator took the City to civil court for the action. The Court ruled in favor of the operator, and held the City liable for financial damages incurred by the operator. It was determined that the current code definition for “single housekeeping unit” was legally indefensible. The proposed code amendment would revise the current code definition of single housekeeping unit as follows:

*Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.*

The revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facility in an R1 zone and withstand legal scrutiny.

## **ENVIRONMENTAL DETERMINATION**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule) of CEQA because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

## **LEGAL REVIEW**

The draft ordinance has been reviewed by the City Attorney’s office.


## **ALTERNATIVES**

The City could continue to apply “single house keeping unit” as currently defined in Code; however, this has not stood up to legal challenge when residential care or residential service facilities are found to have occupants of R1 zoned dwellings that exceed six persons.

## CONCLUSION

As noted earlier, the revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facilities in an R1 zone and withstand legal scrutiny. If the Commission recommends that City Council approve and give first reading to the ordinance, it will be tentatively scheduled for the November 5, 2013, City Council meeting.

  
\_\_\_\_\_  
MEL LEE, AICP  
Senior Planner

  
\_\_\_\_\_  
GARY ARMSTRONG, AICP  
Economic and Development Services  
Director

Distribution: Director of Economic & Development/Deputy CEO  
Assistant Development Services Director  
Senior Deputy City Attorney  
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
Staff (4)  
File (2)

Attachment: 1. Draft Ordinance

## ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: CHAPTER 1, ARTICLE 2, SECTION 13-6, DEFINITIONS, AS IT PERTAINS TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1: CODE AMENDMENT.** Title 13 of the Costa Mesa Municipal Code is hereby amended to include the following definition - Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit":

*Single housekeeping unit* means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

**SECTION 2: ENVIRONMENTAL DETERMINATION.** The code amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment.

**SECTION 3: INCONSISTENCIES.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

**SECTION 4: SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 5: PUBLICATION.** This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a

certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

**PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.**

\_\_\_\_\_  
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the City of Costa Mesa

\_\_\_\_\_  
City Attorney

**From:** David Alexander <rawrecoveryllc@gmail.com>  
**Sent:** Wednesday, September 15, 2021 5:53 PM  
**To:** Housing Element; ComplianceReview@hcd.ca.gov  
**Cc:** dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; Pete Nielsen; sharon.rapport@csh.org  
**Subject:** Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029  
**Attachments:** Table 1 - CM discriminatory zoning regulations.pdf; Table 2.pdf; Table 1-1 CM CityCode 1-72.pdf

Dear Gentleperson:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmative Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 650583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by City.)

1. The City's Draft Housing Element utilizes standards that have been expressly rejected by the State of California.

At page 3-46, the Public Review Draft indicates that it is guided by "the HUD Fair Housing Planning Guide" and limits the scope of its analysis to the 2019-2024 Regional Analysis of Impediments to Fair Housing (AI) that covered 16 cities in Orange County, including Costa Mesa. The City's entire reliance on the Regional 2019-2014 AI not only applies the incorrect legal standards, but also fails to focus on the activities of Costa Mesa (as opposed to the region or 15 other cities). First, the AI is insufficient for purposes of state law. Under Government Code 8899.50, the applicable standard in California is:

the Affirmatively Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section. Government Code 8899.50(c).

While the City's Regional AI, published on May 5, 2020, may have comported with the standards mandated by the Trump Administration, those standards were a deliberate rollback of the standards expressly adopted by reference in Government Code 8899.50(c).

Moreover, the City's reliance on an undefined "HUD Planning Guide" throughout Chapter 3E is bewildering since the applicable guide, entirely ignored by the City, is HCD's *Affirmatively*

2. The City's Draft Housing Element fails to consider its own zoning regulations and practices, which are the principal source of housing discrimination in Costa Mesa.

Instead of conducting the mandated assessment, the City relies exclusively on the wholly inapplicable and inadequate 2020 AI in addressing its Section 3E4: Assessment of Contributing factors to Fair Housing in Costa Mesa. As a result, this portion of the City Housing Element is wholly inadequate, disregarding that:

- The City has enacted explicitly discriminatory zoning regulations that target Supportive Housing for Disabled Persons for exclusion and expulsion from Costa Mesa's residential zoning districts. (See attached Table 1; see CityCode for text of City's zoning code cited in Table 1.)
- The City has engaged in discriminatory code enforcement; specifically, it has targeted its code enforcement activities at Group Homes. (See attached Table 2.)
- The City has gone so far as to sue Supportive Housing Providers (defined as Group Homes) in state court, seeking to have them declared as a public nuisance solely because they operate with a SUP or CUP pursuant to Zoning Code Chapters XV and XVI, and not because of any nuisance behaviors. As a result of the City's state court actions against Supportive Housing/Group Homes, the City has forced Group Homes to shutter and required that operators evict disabled residents during the height of Covid-19 in the Winter of 2020.
- Of the 26 Supportive Housing/Group Homes that applied for CUP under the City Zoning Chapter XVI (CMMC 13-323), each applicant was an existing Group Home that predated the adoption of Chapter XVI. Of the 26 CUP applications submitted, the City granted only two. It ordered that the other 24 to shutter and to force their disabled residents from their homes. See Table 3 attached.
- While the City professes to support fair housing in the Public Review of its Housing Element, it is presently actively engaged in trying to cover up the discriminatory provisions in its own Zoning Code. Since 2014, the City has tried to justify its discrimination against Group Homes/Supportive Housing by arguing that it treats Boardinghouse worse.
- But that is obviously inaccurate on the face of the City's own zoning code: As reflected in Table 1, the City gives preferential treatment to Boardinghouses – and all residential uses except for Group Homes (Supportive Housing for disabled persons).
- To cover up the most glaring disparities between the City's regulation of Group Homes and Boardinghouses, the City is presently in the process of amending the definition of Boardinghouse as part of Code Amendment CO-2020-02, which will modify the definition of Boardinghouse.

The City's zoning code and its enforcement of that code are the most significant sources of housing discrimination and fair housing violations in Costa Mesa. But the City's draft Housing Element fails to review any of its own zoning procedure and practices, preferring to hide behind its wholly inadequate 2020 Regional AI.

Without this fulsome evaluation, the City cannot meet the requirements of the State's Housing Element laws.

Thank you for your time and consideration of this matter,

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**Dave Alexander**

Founder

RAW Recovery



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## *Zoning regulations for unlicensed<sup>1</sup> residential uses in Costa Mesa’s multi-family zoning districts*

<i><b>CMMC Regulations Governing Residential Uses in City’s Multifamily Districts</b></i>	<i><b>Sober Living Home<sup>2</sup></b></i>	<i><b>Group Home<sup>3</sup></b></i>	<i><b>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></b></i>	<i><b>Boardinghouse, Large &lt; 7 rental rooms</b></i>	<i><b>Multi-family Dwelling<sup>5</sup></b></i>
<b>Use Definitions</b>					
Use defined based on disability status of residents, CMMC 13-06	Yes, CC 9 <sup>6</sup>	Yes, CC 5	No, CC 3	No, CC 3	No CC 4

<sup>1</sup> Licensed uses are subject to state-mandated zoning entitlements and restrictions. The Costa Mesa Municipal Code (CMMC) defines these uses as “**Residential care facilities**. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8, 1267.9); community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health & Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety Code § 1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 11834.02—11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265—1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115—5120).” CMMC 13-06.

<sup>2</sup> “**Sober living home** means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.” CMMC 13-06.

<sup>3</sup> “**Group home**. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.” CMMC 13-06.

<sup>4</sup> “**Boardinghouse**. A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms are prohibited.” CMMC 13-06.

<sup>5</sup> “**Dwelling, multi-family** “Dwelling, multi-family” or “multi-family dwelling” is a building or buildings of permanent character placed on one (1) lot which is designed or used for residential occupancy by two (2) or more families.” CMMC 13-06.

<sup>6</sup> “**CC #**” refers to page numbers in the excerpt of the current Costa Mesa Municipal Code [as of 05/09/2021], attached to this Table for reference.

<b><i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i></b>	<b><i>Sober Living Home<sup>2</sup></i></b>	<b><i>Group Home<sup>3</sup></i></b>	<b><i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i></b>	<b><i>Boardinghouse, Large &lt; 7 rental rooms</i></b>	<b><i>Multi-family Dwelling<sup>5</sup></i></b>
Use defined based on nature of the disability of dwelling's residents, CMMC 13-06	Yes, CC 9	No, CC 5	No, CC 3	No, CC 3	No CC 4
<b><i>Permitted Zoning District</i></b>					
Permitted in Residential Zoning District, CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Multifamily Zoning Districts (R2-MD, R2-HD, R3), CMMC 13-30	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Planned Development Residential Districts (PDR-LD, PDR-MD, PDR-HD, PRD-NCM, PDC, PDI), CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	Yes, CC 31	Yes, CC 31	No, CC 31	No, CC 31	No, CC 31
Specially or Conditionally Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	NA, CC 31	NA, CC 31	No, CC 31	No, CC 31	No, CC 31
<b><i>Nonconforming Use Status</i></b>					
Existing uses required to apply for Special or Conditional Use Permit to continue existing use, 13-324, 13-207.1 versus 13-204, 13-30	Yes, CC 67, 59	Yes, CC 67, 59	No, CC 54	No, CC 54	NA, CC 31

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home<sup>2</sup></i>	<i>Group Home<sup>3</sup></i>	<i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i>	<i>Boardinghouse, Large &lt; 7 rental rooms</i>	<i>Multi-family Dwelling<sup>5</sup></i>
<b>Separation Requirement</b>					
Separation requirement imposed on existing uses, 13-322, 13-323, 13-324 versus 13-30, 13-204, 13-207.1	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	No, CC 54	No, CC 54	NA, 13-30
Separation requirement imposed on new uses, 13-322, 13-323, 13-324 versus 13-30 fn 7	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. CC 49	Yes: Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse. CC 49	NA, 13-30
<b>Dwelling Operator's Permit Required</b>					
Owner or operator of dwelling must obtain an "Operator's Permit," CMMC 13-323, 9-372, or meet same conditions for Operator's Permit under SUP requirements, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No

<b><i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i></b>	<b><i>Sober Living Home<sup>2</sup></i></b>	<b><i>Group Home<sup>3</sup></i></b>	<b><i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i></b>	<b><i>Boardinghouse, Large &lt; 7 rental rooms</i></b>	<b><i>Multi-family Dwelling<sup>5</sup></i></b>
Owner or operator of dwelling must obtain an "operator's permit" as a condition to qualify for a conditional use permit, CMMC 13-323, 9-372, or meet same conditions for Operator's Permit to qualify for SUP, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No
<b><i>Permit Application Requirements</i></b>					
Permit Application: Required to list applicant/operator's every general partner and every owner with controlling interest in corporation. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide permit history or operation of similar use at any time anywhere in the United States. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide copy of rules governing conduct of residents occupying dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to identify the name, address, telephone, CDL of onsite dwelling manager. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home<sup>2</sup></i>	<i>Group Home<sup>3</sup></i>	<i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i>	<i>Boardinghouse, Large &lt; 7 rental rooms</i>	<i>Multi-family Dwelling<sup>5</sup></i>
Permit Application: Required to provide document reflecting criteria for acceptance of resident in dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide blank copies of all forms that residents of dwelling are required to complete. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
<b><i>Permit Notice Requirements, July 2017 (17-05) - October 2018 (18-06) time period</i></b>					
Public notice of hearing on application for special use permit, CMMC 13-311(b) versus CMMC 13-29(c) [07/2017-09/2018]	Notice to be mailed to the <b><i>owner of record and occupants</i></b> of all properties within five hundred (500) feet of the location of the group home.	Notice to be mailed to the <b><i>owner of record and occupants</i></b> of all properties within five hundred (500) feet of the location of the group home.	Notices of the hearing shall be mailed to all <b><i>property owners</i></b> within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all <b><i>property owners</i></b> within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all <b><i>property owners</i></b> within a five hundred-foot radius of the project site
<b><i>Occupancy limit on number of residents per dwelling</i></b>					
Occupancy limitation	City Housing Element	City Housing Element	State Housing Law/UHC	State Housing Law/UHC	State Housing Law/UHC
<b><i>On-Site Manager Requirements</i></b>					

<b><i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i></b>	<b><i>Sober Living Home<sup>2</sup></i></b>	<b><i>Group Home<sup>3</sup></i></b>	<b><i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i></b>	<b><i>Boardinghouse, Large &lt; 7 rental rooms</i></b>	<b><i>Multi-family Dwelling<sup>5</sup></i></b>
Dwelling must have a 24/7 onsite manager. CMMC 13-311(a)(4) + CMMC 9-274(b)(1) versus State Housing Law	Yes, CC 62, 70	Yes, CC 62, 70	No, State Housing Law	No, State Housing Law	No, State Housing Law
<b><i>Vehicle Restrictions</i></b>					
Each dwelling resident limited to one vehicle that must be used as resident's primary form of transportation, 13-311(a)(5) + CMMC 9-274(b)(2)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
<b><i>Resident Parking Restrictions</i></b>					
Each dwelling resident must park her vehicle on dwelling premises or within 500 feet of dwelling, 13-311(a)(5) + CMMC 9-274(b)(2) versus CMMC Title 10, Ch X (Stopping, Standing and Parking)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
<b><i>Eviction requirements</i></b>					
Landlord/operator must notify resident's emergency contact, OCHA OC Links Referral Line, and Costa Mesa's Network for Homeless Solutions before an evicting resident, CMMC 13-311(a)(10) + 9-374(b)(6)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must provide transportation to alternative housing to any resident evicted from dwelling, CMMC 13-311(a)(11) + 9-374(b)(7)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must maintain eviction records for one year resident's eviction from dwelling, CMMC 13-311(a)(12) + 9-374(b)(8)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No

<i><b>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</b></i>	<i><b>Sober Living Home<sup>2</sup></b></i>	<i><b>Group Home<sup>3</sup></b></i>	<i><b>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></b></i>	<i><b>Boardinghouse, Large &lt; 7 rental rooms</b></i>	<i><b>Multi-family Dwelling<sup>5</sup></b></i>
<b><i>Regulation of Residents within Dwelling</i></b>					
Each resident of dwelling must actively participate in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must maintain records showing that resident is actively participating in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate a rule warning that if a resident refuse to actively participating in a legitimate self-improvement program (e.g., 12-step program), then the resident may be evicted. CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/Operator must prohibit residents from use of any non-prescription drugs. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must evict any resident caught using any non-prescription drug. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No

<b><i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i></b>	<b><i>Sober Living Home<sup>2</sup></i></b>	<b><i>Group Home<sup>3</sup></i></b>	<b><i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i></b>	<b><i>Boardinghouse, Large &lt; 7 rental rooms</i></b>	<b><i>Multi-family Dwelling<sup>5</sup></i></b>
Landlord/operator must promulgate a good neighbor policy directing residents "to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit." CMMC 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate written protocol for onsite manager to follow in response to a neighbor's complaint. CMMC protocol for 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
<b><i>Owner, Landlord, Operator, and Employee Qualification Requirements</i></b>					
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was terminated from a job for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25

<b><i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i></b>	<b><i>Sober Living Home<sup>2</sup></i></b>	<b><i>Group Home<sup>3</sup></i></b>	<b><i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i></b>	<b><i>Boardinghouse, Large &lt; 7 rental rooms</i></b>	<b><i>Multi-family Dwelling<sup>5</sup></i></b>
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was terminated from a job alcohol for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25

<b><i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i></b>	<b><i>Sober Living Home<sup>2</sup></i></b>	<b><i>Group Home<sup>3</sup></i></b>	<b><i>Boardinghouse, Small &lt; 3 rental rooms<sup>4</sup></i></b>	<b><i>Boardinghouse, Large &lt; 7 rental rooms</i></b>	<b><i>Multi-family Dwelling<sup>5</sup></i></b>
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if he was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contendere to any PC 451 arson offense or furnishing any controlled substance within 7 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she is in recovery from abuse of drugs or alcohol and has been abstained for less than one year before applying to the City for that zoning permit. CMMC 13-311(b)(6), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 64, 72	No	No, CC 25	No, CC 25	No, CC 25

## Costa Mesa Municipal Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[TITLE 13 PLANNING, ZONING AND DEVELOPMENT](#)**CHAPTER I. IN GENERAL****ARTICLE 1. TITLE AND AUTHORITY****13-1. Title.**

This title shall be known as the “City of Costa Mesa Planning, Zoning and Development Code,” hereafter referred to as the “Zoning Code.” (Ord. No. 97-11, § 2, 5-5-97)

**13-2. Purpose.**

The purpose of this Zoning Code is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the city by providing regulations to ensure that an appropriate mix of land uses occur in an orderly manner. In furtherance of this purpose the city desires to achieve a pattern and distribution of land uses which generally:

- (a) Establish and maintain a balance of land uses throughout the community to preserve the residential character of the city at a level no greater than can be supported by the infrastructure.
- (b) Ensure the long-term productivity and viability of the community’s economic base.
- (c) Promote land use patterns and development which contribute to community and neighborhood identity.
- (d) Ensure correlation between buildout of the general plan land use map and master plan of highways. (Ord. No. 97-11, § 2, 5-5-97)

**13-3. Authority and general plan consistency.**

- (a) This Zoning Code is a tool for implementing the goals, objectives and policies of the Costa Mesa General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (State [Government Code](#) section 65000 et seq.). All development within the incorporated area of the city shall be consistent with the general plan.
- (b) The subdivision provisions of this Zoning Code are intended to supplement and implement the Subdivision Map Act, and serve as the subdivision ordinance of the city. If the provisions of this Zoning Code conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail. (Ord. No. 97-11, § 2, 5-5-97)

**13-4. References to other laws.**

In some portions of this Zoning Code it is necessary to reference other applicable laws, for example the State [Government Code](#), and in some instances specific code sections are given. These references are accurate as of the adoption of this Zoning Code, and these references may be amended from time to time. (Ord. No. 97-11, § 2, 5-5-97)

**ARTICLE 2. DEFINITIONS****13-5. Purpose.**

The intent of this article is to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in Chapter IX, Special Land Use Regulations, and Chapter XII, Special Fee Assessments. (Ord. No. 97-11, § 2, 5-5-97)

**13-6. Definitions.**

*Abutting.* Sharing a common boundary, of at least one (1) point.

*Accessory building.* A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

*Accessory dwelling unit (ADU).* See section 13-35.

*Accessory use.* A use incidental and subordinate to, and devoted exclusively to the main use of the land or building thereon.

*Adjacent.* Same as abutting, but also includes properties which are separated by a public right-of-way, not exceeding one hundred twenty (120) feet in width.

*Administrative adjustment.* A discretionary entitlement, usually granted by the zoning administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

*Adult business.* See Chapter IX, Special Land Use Regulations, Article 1, Adult Businesses, for specific definitions and terms.

*Alcoholism or drug abuse recovery or treatment facility* means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to section 11834.01 of the California [Health & Safety Code](#). Alcoholism or drug abuse recovery or treatment facilities are a subset of residential care facilities.

*Alteration (structure).* Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

*Ambient noise level.* The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

*Antenna.* Any structure, including, but not limited to, a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

*Antenna, amateur radio.* An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

*Antenna, communication.* All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

*Antenna height.* The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

*Antenna, satellite dish.* An antenna intended for the purpose of receiving or transmitting communication to or from an orbiting satellite.

*Antenna, whip.* An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

*Apartment.* A rental or lease dwelling having kitchen facilities in a structure designed or used to house at least one (1) family, as the term "family" is defined in this Zoning Code.

*Assembly use.* A use conducted in a structure or portion of a structure for the purpose of a civic, education, political, religious, or social function or for the consumption or receipt of food and/or beverages. Assembly use includes, but is not limited to, churches and other places of religious assembly, mortuaries, primary and secondary schools, trade and vocational schools, colleges, amusement centers, billiards parlors, bowling centers, establishments where food or beverages are served, motion picture theaters, physical fitness facilities, skating rinks, and dance, martial arts, and music studios. Assembly use does not include sexually oriented businesses.

*Association (homeowners')*. The organization of persons who own a lot, parcel, area, airspace, or right of exclusive occupancy in a common interest development and who have interests in the control of common areas of such project.

*Attached (structure)*. Any structure that has a wall or roof in common with another structure.

*Attic*. Any non-habitable area immediately below the roof and wholly or partly within the roof framing.

*Awning*. A roof-like cover that projects from the wall of a building for the purpose of shielding the sun or providing an architectural accent.

*Basement*. A space wholly or partially underground and having more than one-half ( $\frac{1}{2}$ ) of its height, measuring from floor to ceiling, below the average grade. If the finished floor level directly above the basement is more than four (4) feet above grade at any point, the basement shall be considered a story.

*Boardinghouse*. A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms are prohibited.

*Building*. Any structure having roof and walls and requiring permanent location on the ground, built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

*Building height*. The distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening.

*Building, main*. The building or buildings within which the principal use permitted on the lot is conducted.

*Carport*. A permanent, roofed structure, not completely enclosed which is used for vehicle parking.

*Central administrative office*. An establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same company.

*Churches and other places of religious assembly*. A type of assembly use which has the principal purpose of religious worship and for which the primary space is a sanctuary. Religious activities and services held in the sanctuary are conducted at scheduled times. The use may also include accessory facilities in the same or separate building that includes classrooms, assembly rooms, restrooms, kitchen, and a library. Other uses such as, but not limited to, day care facilities, nursery schools, schools, retail sales, and services to businesses, are not considered a primary function of churches and other places of religious assembly.

*Cigar bar*. See Smoking lounge.

*City*. City of Costa Mesa.

*Common area*. Those portions of a project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in planned development projects or common interest developments.

*Common interest development*. A development as defined in State [Civil Code](#) section 1350, containing two (2) or more common interest units, as defined in [Civil Code](#) section 783; a community apartment project, as defined in State Business and Professional Code section 11004, containing two (2) or more rights of exclusive occupancy; and a stock cooperative, as defined in Business and Professional Code section 11003.2, containing two (2) or more rights of exclusive occupancy.

*Conditional use permit*. A discretionary approval usually granted by the planning commission which allows a use or activity not allowed as a matter of right, based on specified findings.

*Convenience stores, mini-markets*. A retail store, generally less than ten thousand (10,000) square feet in area, that sells a variety of convenience foods, beverages and non-food items. Fresh dairy products, produce and/or meat may be offered on a limited basis.

*County*. County of Orange.

*Covered parking space*. A garage, carport or parking space which is completely covered by a roof.

*Density bonus*. A minimum increase of twenty-five (25) percent over the allowable residential dwelling unit density as specified by the zoning classification.

*Development*. The division of land into two (2) or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

*Development review.* The processing of a development plan when authority for approval is vested in the planning division.

*Development services department means the Development Services Department of the City of Costa Mesa.*

*Development services director.* The director of development services of the City of Costa Mesa, or his/her designee.

*Disabled* shall have the same meaning as handicapped.

*Dormer.* A vertical window in a projection built out from a sloping roof.

*Driveway, common.* A paved area for vehicle circulation and parking purposes which features joint use between two or more parties.

*Driveway, individual.* The paved area strictly leading to the garage/carport of a residence. This paved area serves vehicle parking purposes and does not extend beyond the garage/carport unless a curvilinear design is necessary for the turning radius.

*Dwelling, single-family.* “Dwelling, single-family” or “single-family dwelling” is a building of permanent character placed in a permanent location which is designed or used for residential occupancy by one (1) family. A single mobilehome on a foundation system on a single lot is a single-family dwelling. (See Manufactured housing).

*Dwelling, multi-family.* “Dwelling, multi-family” or “multi-family dwelling” is a building or buildings of permanent character placed on one (1) lot which is designed or used for residential occupancy by two (2) or more families.

*Dwelling unit.* One (1) or more rooms in any building designed for occupancy by one (1) family, and containing one (1) kitchen unit, including manufactured housing. (See Manufactured housing).

*Easement.* A grant of one (1) or more property rights by the owner for use by the public, a corporation or another person or entity.

*Electronic cigarette.* An electronic and/or battery-operated device used to provide an inhalable dose of nicotine by delivering a vaporized solution. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed doctor.

*Electronic game machine.* Any electronic or mechanical device which upon insertion of a coin, slug, or token in any slot or receptacle attached to the device or connected therewith, operates, or which may be operated for use as a game, contest, or amusement through the exercise of skill or chance.

*Emergency shelters.* A facility that provides immediate and short-term housing for homeless persons that is limited to occupancy of six months or less. Supplemental services may include counseling and access to social programs. No individual or household may be denied to emergency shelter because of an inability to pay.

*Entertainment (live).* Any act, play, revue, pantomime scene, dance act, musical performance, or any combination thereof, performed by one (1) or more persons whether or not they are compensated for the performance.

*Establishment where food or beverages are served.* Any commercial use that sells prepared food and/or beverages for consumption on-site or off-site, either solely or in conjunction with an ancillary or complementary use. Excluded from this definition are grocery stores, convenience stores, movie theaters, and other such uses, as determined by the development services director, where the sale of food or beverages is clearly incidental to the primary use. All establishments selling alcoholic beverages for consumption on-site are included within this definition.

*Fair housing laws* means the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute’s implementing regulations.

*Family.* One (1) or more persons occupying one (1) dwelling unit and living together as a single housekeeping unit.

*Family day care home, large.* A home which provides family day care to seven (7) to fourteen (14) children as defined in section 1596.78 of the State [Health and Safety Code](#).

*Family day care home, small.* A home which provides family day care to eight (8) or fewer children as defined in section 1596.78 of the State [Health and Safety Code](#).

*Floor area ratio.* The gross floor area of a building or project divided by the project lot area upon which it is located.

*Garage.* An accessory or attached enclosed building with doors, designed and/or used for vehicle parking.

*Garage sale.* An event for the purpose of selling or trading personal property. Garage sale includes yard sale.

*General plan.* The City of Costa Mesa General Plan as adopted or amended from time to time by the city council.

*Grade.* The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

*Gross acreage.* The total area within the lot lines of a lot of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot, and not including adjacent lands already dedicated for such purposes.

*Gross floor area.* The area of all floors within the walls of a structure except elevator and other vertical shafts (including stairwells) and elevator equipment areas.

*Gross leasable area.* The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas.

*Group home.* A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

*Guestroom.* A room occupied or intended, arranged, or designed for occupancy by one (1) or more guests.

*Handicapped.* As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one (1) or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

*Hazardous materials.* Any material of quantity, concentration, physical or chemical characteristics, that poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment; or any material requiring a Material Safety Data Sheet according to Title 8, section 339 of the State Code of Regulation.

*Height.* See Building height and Antenna height.

*Home occupation.* Any business or commercial use conducted within a dwelling unit.

*Hookah lounge.* See Smoking lounge.

*Hotel.* Any building or combination of buildings generally three (3) or more stories in height containing six (6) or more guest rooms offering transient lodging accommodations to the general public and providing incidental guest services such as food and beverage service, recreation facilities, retail services and banquet, reception and meeting rooms. Typically, room access is provided through a main or central lobby.

*Household* includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

*Integral facilities.* Any combination of two (2) or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation shall be referred to as integral facilities and shall be considered one (1) facility for purposes of applying federal, state and local laws to its operation. Examples of such integral facilities include, but are not limited to, the provision of housing in one (1) facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one (1) licensed or unlicensed facility.

*Integral uses.* Any two (2) or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one (1) use for purposes of applying federal, state and local laws to its operation.

*Intersection.* The general area where two (2) or more roadways join or cross.

*Kitchen.* Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and preparation of food.

*Landscaping.* Plant materials such as lawn, groundcover, trees and shrubs.

*Loft.* An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven (7) feet, and where the aggregate area of the loft does not exceed one third (1/3) of the area of the room in which it is located.

*Lot.*

(a) A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the county recorder, and created in conformance with the Subdivision Map Act and applicable local ordinances.

(b) A parcel of real property when shown on a record of survey map or deed filed in the office of the county recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.

*Lot area.* The total land area of a project after all required dedications or reservations for public improvements including but not limited to streets, parks, schools, and flood control channels. This phrase does not apply in the planned development zones where the phrase “site area,” as defined in Chapter V, Development Standards, is used.

*Lot, corner.* A lot abutting on and at the intersection of two (2) or more streets which intersect at an angle that is equal to or less than one hundred thirty-five (135) degrees.

*Lot, depth.* The average of the horizontal distance between the front and the rear lot lines.

*Lot, development.* The master lot or project site upon which a development will be constructed.

*Lot, individual dwelling unit.* An individual building site or lot within a development intended for construction of a single attached or detached dwelling unit.

*Lot, interior.* A lot abutting only one (1) street, or a lot abutting two (2) streets which intersect at an angle greater than one hundred thirty-five (135) degrees.

*Lot, width.* The horizontal distance between the side lot lines measured at right angles to the lot depth at the front building setback line.

*Manufactured housing.* Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one (1) or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a site-built structure.

*Marijuana.* Has the same definition as that set forth in California [Health & Safety Code](#) section 11018.

*Marijuana cultivation and/or medical marijuana cultivation.* The planting, growing, harvesting, drying or processing of marijuana plants or any part thereof for any purpose, including medical marijuana, and shall include both indoor and outdoor cultivation.

*Master plan.* The overall development plan for a parcel or parcels which is depicted in both a written and graphic format.

*Master plan of highways.* The graphic representation of the city’s ultimate circulation system contained in the general plan. It illustrates the alignment of the major, primary, secondary and collector highways.

*Median.* A paved or planted area separating a parking area, street, or highway, into two (2) or more lanes or directions of travel.

*Medical marijuana.* Marijuana used for medical purposes in accordance with California [Health and Safety Code](#) section 11362.5.

*Medical marijuana dispensary.* A facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to three (3) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with State [Health and Safety Code](#) Sections 11362.5 et seq., and 11362.7 et seq., which shall include, but not be limited to, any facility or location engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation, or distribution.

*Minor conditional use permit.* A discretionary approval granted by the zoning administrator which allows a use or activity not allowed as a matter of right, based on specified findings.

*Minor modification.* A discretionary entitlement granted by the planning division, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

*Mixed use development.* The development of lot(s) or structure(s) with two (2) or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

*Mobile home.* See Manufactured housing.

*Mobile home park.* Any area or tract of land where two (2) or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with section 18200) of Division 13 of the State [Health and Safety Code](#), and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

*Motel.* Any building or combination of buildings of one (1) to three (3) stories in height having six (6) or more guest rooms with parking located convenient to the guest rooms and providing temporary lodging for automobile tourists and transient visitors. Typically, guest rooms have direct access to available parking without passing through a common lobby area. Motels also include auto courts, tourist courts, motor lodges, motor inns and motor hotels.

*Municipal Code.* City of Costa Mesa Municipal Code.

*Open space.* An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. *Open space* may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five (5) feet in depth by projections which are at least eight (8) feet above grade.

*Open space* shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight (8) feet above grade.

*Open space, common.* An area of land reserved primarily for the leisure and recreational use of all residents of a planned development or common interest development and owned in common by them, generally through a homeowners' association.

*Open space, private.* An area of land located adjacent to an individual dwelling unit, owned or leased and maintained by its residents, and reserved exclusively for their use.

*Operator* means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

*Organizational documents.* The declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a project.

*Parcel.* Same as Lot.

*Parkway.* The area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

*Paved area.* Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.

*Peak hour.* The hour during the AM peak period (typically 7:00 a.m.—9:00 a.m.) or the PM peak period (typically 3:00 p.m.—6:00 p.m.) in which the greatest number of vehicle trips are generated by a given land use or are traveling on a given roadway.

*Permitted use.* Any use allowed in a land use zoning district without requiring a discretionary approval, and subject to the provisions applicable to that district.

*Planned development.* A land area which is developed as an integrated unit under single ownership or control and having planned development zoning designation.

*Planning application.* A broad term for any development project or land use which requires the discretionary review and approval of either the planning division, zoning administrator, planning commission, redevelopment agency or city council. Planning applications include administrative adjustments, conditional use permits, development reviews, variances, redevelopment actions, etc.

*Planning division.* The planning division of the development services department of the City of Costa Mesa.

*Project.* See Development.

*Property line.* A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

*Property line, front.* The narrowest property line of a lot abutting a public or private street. If two (2) or more equal property lines are narrowest, the front shall be that property line across which the development takes its primary access (if the primary access is determined to be equal, there shall be two (2) front property lines). However, for non-residentially zoned property, any property line abutting a public street designated as a secondary, primary or major street on the master plan of highways shall be deemed a front property line. A non-residentially zoned property shall have more than one (1) front property line when it abuts more than one street designated as secondary, primary, or major on the master plan of highways.

For R-1 zoned property located on corner lots, the front property line may be the property line towards which the front of the dwelling unit is oriented.

*Property line, rear.* The property line opposite the front property line. A corner lot with more than one (1) front property line shall have more than one (1) rear property line. Irregularly shaped lots may also have more than one (1) rear property line.

*Property line, side.* Any property line which is not a front or rear property line.

*Property line, ultimate.* The boundary of a lot after the dedication of land for use as public right(s)-of-way.

*Public area.* Establishments where food or beverages are served. That portion of an establishment reserved for the exclusive use of the public for the receipt or consumption of food and/or beverages. For the purpose of this Zoning Code, public area shall not include restrooms, kitchens, hallways or other areas restricted to employees only.

*Public hearing.* A public proceeding conducted for the purpose of acquiring information or evidence which may be considered in evaluating a proposed action, and which affords to any affected person or persons the opportunity to present their views, opinions, and information on such proposed applications. "Mandatory hearings" are those required to be held by law, and "discretionary hearings" are those which may be held within the sole discretion of the hearing body.

*Public right-of-way.* A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

*Recyclable materials.* Reusable materials including but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstruction. Recyclable materials do not include refuse, hazardous materials or hazardous waste.

*Recycling.* The process by which waste products are reduced to raw materials and transformed into new products.

*Recycling and collection facility.* A building or enclosed space used for the collection and processing of recyclable materials for preparation for shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

*Redevelopment action.* A discretionary review conducted by the redevelopment agency for applications for development in the redevelopment project area, based on the adopted redevelopment plan and specified findings.

*Referral facility.* A residential care facility or a group home where one (1) or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

*Residential care facility.* A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled ([Health & Safety Code §§ 1267.8, 1267.9](#)); community care facilities ([Health & Safety Code § 1500 et seq.](#)); residential care facilities for the elderly ([Health & Safety Code § 1569 et seq.](#)); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); [Health & Safety Code § 1569 et seq.](#)).

**Code § 1568.02);** alcoholism and drug abuse facilities (**Health & Safety Code § § 11834.02—11834.30**); pediatric day health and respite care facilities (**Health & Safety Code § 1760 et seq.**); residential health care facilities, including congregate living health facilities (**Health & Safety Code § § 1265—1271.1, 1250(i), 1250(e), (h)**); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (**Wel. & Inst. Code § § 5115—5120**).

**Residential, multi-family.** Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one (1) primary dwelling unit on a lot.

**Residential, single-family.** Detached single-family home where there is no more than one (1) primary dwelling unit on a lot.

**Room, bedroom.** A fully-enclosed room designed or intended to be used for sleeping purposes within a residence. Within a single-family detached residence, a room meeting the definition of a home office shall not be included in the bedroom count.

**Room, home office.** A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study or library.

**Senior congregate care facility.** A structure(s) providing residence for thirteen (13) or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

**Setback.** The required distance that a building, structure, parking or other designated item must be located from a property line or lot line.

**Single housekeeping unit** means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

**Single room occupancy residential hotel.** A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

**Slope.** The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

**Small lot subdivision.** A residential development containing a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel and the land is subdivided into fee simple parcels containing each unit. Each individual lot is provided with either a direct access to public street/alley or an easement access through a recorded subdivision map.

**Smoking lounge.** Any facility or location whose business operation, whether as a primary use or an ancillary use, is characterized by the sale, offering, and/or preparation of smoking of tobacco, cigars, hookah, electronic cigarettes, or similar products, including but not limited to establishments known variously as hookah parlors, vaping lounges, or cigar bars.

**Smoking/vaping retailer.** A smoke shop, electronic cigarette retailer, vapor cigarette retailer, or any other retail business that sells tobacco, electronic cigarettes, and related products primarily for off-site consumption. Smoking/vaping retailers shall not include food or beverage service, outdoor seating, or an indoor seating area greater than one hundred (100) square feet in area.

**Sober living home** means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. *Sober living homes* shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

**Specific plan.** A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and the provisions of State **Government Code** section 65450 et seq.

**State.** State of California.

*Story.* For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than four (4) feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

*Street.* A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. *Streets* do not include driveways which only provide access to parking areas.

*Structure.* Anything, including a building, located on the ground in a permanent location or attached to something having a permanent location on the ground.

*Supportive housing.* Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

*Tandem parking.* An arrangement of parking spaces one behind the other, such that a parking space must be driven across in order to access another space. Tandem garage parking signified the placement of standard parking spaces one behind the other within the enclosed area of a garage.

*Townhouse.* A single-family attached dwelling unit located on an individual dwelling unit lot, and is part of a row of units that contains three (3) or more dwelling units.

*Transitional housing.* A development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

*Trip (vehicle).* A one-way vehicular journey either to or from a site, or totally within the site i.e. internal trip. Each trip has two (2) trip ends, one at the beginning and the other at the destination.

*Trip rate (vehicular).* The anticipated number of vehicle trips to be generated by a specific land use type or land use classification. The trip rate is expressed as a given number of vehicle trips for a given unit of development intensity (i.e., trip per unit, trip per one thousand (1,000) square feet, etc.).

*Uncontrolled environment.* A location where there is the exposure (to radiofrequency radiation) of individuals who have no knowledge or control of their exposure. The exposures may occur in living quarters or work places where there are no expectations that the exposure levels may exceed the exposure and induced current levels permitted for the general public.

*Underroof.* All of the area within the walls of the building that a roof covers. Areas under porches, roof overhangs, garage protrusions, breezeways and other similar architectural design features are not considered as underroof.

*Unit.* A particular building or structure, or portion thereof, that is designed, intended or used for exclusive occupancy, possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

*Use.* The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

*Warehouse, mini.* A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where at least one of the stalls or lockers has less than five hundred (500) square feet of floor area.

*Warehouse, public.* A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where all the stalls or lockers have more than five hundred (500) square feet of floor area.

*Vacancy rate (common lot development conversion).* The ratio of vacant apartments being offered for rent or lease in the City of Costa Mesa, shown as a percentage of the total number of apartments in the city.

*Vape lounge.* See Smoking lounge.

*Vape shop.* See Smoking/vaping retailer.

*Variance.* A discretionary entitlement, usually granted by the planning commission, which permits departure from the strict application of the development standards contained in this Zoning Code, based on specified findings.

*Yard.* Any open space on a lot unoccupied and unobstructed from the ground upward, except an inside court.

*Yard, front.* The yard between the front line of a building and the front line of the lot upon which the building is located.

*Yard, rear.* The yard extending from the extreme rear line of the main building to the rear lot line on which the building is situated.

*Yard, side.* The yard extending from the front yard, or from the front lot line where no front yard is required, to the rear yard or rear lot line, between the side lot line and the nearest wall of the main building or any accessory structure attached thereto.

*Zero lot line.* The location of a structure on a lot in such a manner that one (1) or more of the structure's sides rest directly on a lot line. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 4, 3-2-98; Ord. No. 00-5, § 1(a), 3-20-00; Ord. No. 01-16, § 1a., 6-18-01; Ord. No. 05-11, § 2a., 7-19-05; Ord. No. 06-18, § 1, 9-5-06; Ord. No. 09-3, §§ 1a., b., 5-19-09; Ord. No. 09-4, § 1a., 5-5-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 1, 11-16-10; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2A., 3-19-13; Ord. No. 13-05, § 1, 12-3-13; Ord. No. 14-04, § 2A., 4-1-14; Ord. No. 14-13, § 1, 10-21-14; Ord. No. 15-10, § 2A, 9-15-15; Ord. No. 15-11, § 1, 11-17-15; Ord. No. 16-01, § 1, 1-19-16; Ord. No. 18-03, § 2, 1-16-18; Ord. No. 21-03, § 3, 3-2-21)

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## ARTICLE 3. REVIEW AUTHORITIES

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### 13-7. Purpose.

The purpose of this article is to establish the project review authority of the city council, the redevelopment agency, the planning commission, the zoning administrator and the planning division. (Ord. No. 97-11, § 2, 5-5-97)

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### 13-8. City council.

The city council shall have final decision authority for appeals, final maps, specific plans, master plans in the town center and planned development districts, rezones, general plan amendments, density bonuses with financial incentives, Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four (4) or fewer lots with no development agreements. The city council may impose conditions of approval. (Ord. No. 97-11, § 2, 5-5-97)

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### 13-9. Redevelopment agency.

- (a) *Declaration of need of agency.* It is hereby found and declared, pursuant to State [Health and Safety Code](#) section 33101, that there is a need for a redevelopment agency in the city, as such agency was created by section 33100, to function in the city, and the agency is hereby authorized to transact business and exercise all of the powers granted to it under the Community Redevelopment Law.
- (b) *Council declared agency.* The five (5) members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.
- (c) *Term of agency members.* Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember. (Ord. No. 97-11, § 2, 5-5-97)

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### 13-10. Planning commission.

- (a) *Commission.* Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California [Government Code](#), there is hereby created a planning commission, which shall consist of seven (7) members. There shall be one (1) member from each electoral district of the city and one (1) at-large member.
- (b) *Appointment and removal of commissioners.* Each council member elected by district shall nominate the planning commission member for his or her district, subject to approval by a majority vote of the entire city council. The mayor shall nominate the at-large planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.
- (c) *Residency in districts.* Except for the at-large member, each member of the planning commission must be a resident of the electoral district from which the member is nominated at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the district from which the member was appointed, for any reason other than a change in district boundary lines required following the decennial census, that member's appointment will automatically terminate. The at-large member must be a resident of the city. If the at-large member ceases to be a resident of the city, that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.
- (d) *Term.* The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.
- (e) *Ex-officio member of commission.* The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.
- (f) *Absence from commission meetings without cause.* If a planning commission member is absent from three (3) consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.
- (g) *Absence from commission meetings for cause.* An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.
- (h) *Councilmember ineligibility.* No member of the city council shall be eligible for membership on the planning commission.
- (i) *Authority of the planning commission.*
- (1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:
    - a. Public and private buildings and works, streets, parks, grounds and vacant lots.
    - b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
    - c. The location of any proposed buildings, structures, or works.
  - (2) The planning commission is authorized to act upon the following discretionary actions:
    - a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.
    - b. Recommend to the successor agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.
    - c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.

d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 13 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State [Government Code](#).

- (j) *Commission bylaws authorized.* The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:
- (1) The time and place of meeting.
  - (2) The time and method of electing officers.
  - (3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.
- (k) *Regular meeting of commission defined.* A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05; Ord. No. 19-05, § 1, 4-2-19)

### **13-11. Zoning administrator.**

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- (a) The development services director or designee is authorized to act as the zoning administrator according to procedures set forth in the State [Government Code](#).
- (b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.
- (1) Administrative adjustment;
  - (2) Minor conditional use permit;
  - (3) Lot line adjustment;
  - (4) Wireless telecommunications use permit (see section 19-15); and
  - (5) Any action specified in this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

### **13-12. Planning division.**

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The development services director or designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, Wireless Telecommunications Use Permit (see section 19-15), and other duties as designated by the development services director, planning commission, city council and this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

## **ARTICLE 4. ENFORCEMENT**

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### **13-13. Purpose.**

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The purpose of this article is to establish the parameters for the enforcement of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

### **13-14. Enforcement officer designated.**

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The development services director or duly authorized representative is hereby empowered and it shall be his/her duty to enforce all provisions of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

### **13-15. Duties.**

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All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall issue no permit or license for uses, buildings or purposes in

conflict with the provisions of this Code; and any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void. It shall be the duty of the development services director to enforce the provisions of this Zoning Code pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Ord. No. 97-11, § 2, 5-5-97)

### **13-16. Enforcement.**

- (a) *Criminal prosecution.* Any person, whether as principal, agent, or employee, violating the terms of this zoning code may be prosecuted as provided in section 1-33 of this Municipal Code.
- (b) *Criminal citation.* For the purposes of this zoning code, a violation of the terms of this zoning code may be cited as either an infraction or misdemeanor pursuant to State [Government Code](#) sections 36900 and 36901 and as provided in section 1-33 of this Municipal Code.
- (c) *Civil action.* As an alternative to prosecution or citation, or as an additional action, the city attorney may, at the request of the development services director, institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) or activity(ies) found to be in violation of the provisions of this zoning code.
- (d) *No criminal prosecution, citation or penalty.* Notwithstanding the provisions of subsections (a) and (b) of this section, no person shall be criminally prosecuted or cited, or suffer any criminal penalty, for any violation of the provisions of section 13-30, table 13-30, rows 31a and/or 31b relating to the prohibition of medical marijuana dispensaries or medical marijuana cultivation within the city, or for a violation of the provisions of Chapter IX, Article 20 related to the prohibition against medical marijuana cultivation.
- (e) *Nuisance.* Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this title or any condition of approval, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 10-13, § 2, 10-19-10; Ord. No. 10-14, § 2, 11-16-10; Ord. No. 16-01, § 2, 1-19-16)

### **13-17. Public nuisance defined; procedure.**

Any building or structure set up, constructed, erected, enlarged, converted, moved or maintained contrary to the provisions of this Zoning Code, and any use of land, building or premises established, conducted or maintained contrary to the provisions of this Municipal Code or other applicable laws, may, by the city council, after public hearing, be declared to be unlawful and a public nuisance as established in this section. No conditions described in this section may be declared a public nuisance until the following steps have been taken:

- (a) There shall be an inspection and investigation of the premises by whatever department heads or their authorized designees within the city as are affected by the condition of the premises, including but not limited to, the development services director, planning division, police department, and county health officer.
- (b) The responsible owner, lienholder or occupier of the premises shall be given notice setting forth the violations, corrections which must be made, and a specific reasonable time within which to make such corrections. The notice shall be given either in person or by registered or certified mail to the responsible property owner, lienholder or occupier and by a posting on the property.
- (c) In the event the responsible owner, lienholder or occupier does not comply with the demand for correction as set forth in subsection (b) within the specific time stated therein, the city council shall set the matter for formal hearing and shall post the property at least ten (10) days prior to the time of the hearing and shall serve the responsible owner, lienholder or occupier of the property a copy of the notice of the formal hearing, either in person or by registered or certified mail.
- (d) At the hearing as set forth in subsection (c) the city council shall take oral or written testimony as evidence to substantiate their findings with respect to the violation. Evidence may be presented by investigative officers on behalf of the city, while the owner, lienholder or occupier may present evidence in his or her own behalf. At the close of the hearing, the city council shall find and determine, based upon the evidence presented, that a public nuisance does or does not exist.

- (e) Upon finding that a public nuisance exists as provided for in subsection (d), the city council shall give the responsible property owner, lienholder or occupier notice in writing that the condition must be corrected, prevented, restrained or abated within a thirty-day period.
- (f) If at the end of the thirty (30) day period granted for compliance the responsible owner, lienholder or occupier has not complied with the mandate of the city council, the city attorney shall commence appropriate legal proceedings either civil, criminal or both, as the circumstances warrant.
- (g) In the event the city council determines by a four-fifths (4/5) vote that any conditions described above cause an emergency situation threatening serious bodily harm or imminent, substantial property damage, the foregoing procedures and time limits may be waived and upon reasonable notice under the circumstances to the responsible property owner, lienholder or occupier, the city council may at a public hearing find and determine such conditions a nuisance and order immediate abatement.
- (h) The city's cost of abatement proceedings shall constitute a special assessment upon the lot involved and payable and collectible as set forth in State [Government Code](#) sections 38773.1 and 38773.5 and other applicable laws. (Ord. No. 97-11, § 2, 5-5-97)

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### **13-18. Remedies cumulative.**

The remedies provided in this article shall be cumulative and not exclusive. (Ord. No. 97-11, § 2, 5-5-97)

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## Costa Mesa Municipal Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[TITLE 13 PLANNING, ZONING AND DEVELOPMENT](#)**CHAPTER II. ZONING DISTRICTS ESTABLISHED****13-19. Purpose.**

The intent of this chapter is to establish and state the purpose of the various zoning districts, as well as to describe their boundaries on the official zoning map. (Ord. No. 97-11, § 2, 5-5-97)

**13-20. Zoning districts.**

In order to classify, regulate, restrict and separate the uses of land and buildings, regulate the height and bulk of buildings and the area of yards and other open spaces about buildings, and regulate population density, the following classes of zones are established:

- (a) *R1 Single-Family Residential District*. This district is intended to promote the development of single-family detached units located on lots with a minimum lot size of six thousand (6,000) square feet, and a maximum density of 7.26 dwelling units per gross acre.
- (b) *R2-MD Multiple-Family Residential District, Medium Density*. This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand six hundred thirty (3,630) square feet per dwelling unit, which equals twelve (12) dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of six thousand (6,000) square feet up to seven thousand two hundred sixty (7,260) square feet are allowed two (2) dwelling units.
- (c) *R2-HD Multiple-Family Residential District, High Density*. This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand (3,000) square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.
- (d) *R3 Multiple-Family Residential District*. Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is twelve thousand (12,000) square feet. The maximum density allowed is two thousand one hundred seventy-eight (2,178) square feet per dwelling unit, which equals twenty (20) dwelling units per gross acre.
- (e) *AP Administrative and Professional District*. This district is intended to establish areas within which public administrative, professional and business offices may be located. It is the further purpose of this district to limit the intensity of use within the district to be compatible with the types of activities generally associated with office developments.
- (f) *CL Commercial Limited District*. This district is intended for unique areas of land which, due to the proximity of residential development or the potential for traffic circulation hazards, require special precautions to be taken to assure appropriate development. The district is also intended for industrial areas where commercial uses must be considered according to their compatibility with existing or permitted industrial uses.
- (g) *C1 Local Business District*. This district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the city. The permitted and conditional uses as well as development standards are aimed toward reducing impacts on surrounding properties especially in those areas where residential uses are in the vicinity.
- (h) *C2 General Business District*. This district is intended to provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature.
- (i) *C1-S Shopping Center District*. This district is intended for large commercial lots constructed as a unified and integrated development. It is the further purpose to provide a wide range of goods and services on a community and regional scale.

(j) *TC Town Center District*. This district is intended to allow intensely developed mixed commercial and residential uses within a very limited geographical area bounded by Sunflower Avenue to the north, 1-405 to the south, Bristol Street to the west, and Avenue of the Arts to the east. Developments within this designation can range from one- and two-story office and retail buildings to mid- and high-rise buildings.

(k) *P Off-Street Parking District*. This district is intended to allow parking lots, and buildings incidental to the operation of the parking lot.

(l) *I & R Institutional and Recreational District*. This district is intended to allow land uses which provide recreation, open space, health and public service uses. Development in this designation may occur on either public or private property.

(m) *I & R-S Institutional and Recreational School District*. This district is intended to allow public and private educational facilities on either public or private property.

(n) *MG General Industrial*. This district is intended for a variety of industrial areas which contain a wide range of light and general industrial activities. Development standards and the approval of conditional uses shall be aimed toward eliminating possible hazards to adjoining properties, especially in those areas where residential uses are in the vicinity.

(o) *MP Industrial Park*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.

(p) *PDR-LD Planned Development Residential—Low Density (up to 8 dwelling units per acre); PDR-MD Planned Development Residential—Medium Density (up to twelve (12) dwelling units per acre); PDR-HD Planned Development Residential—High Density (up to twenty (20) dwelling units per acre or higher pursuant to an adopted specific plan); PDR-NCM Planned Development Residential—North Costa Mesa (twenty-five (25) to thirty-five (35) dwelling units per acre)*. These districts are intended to provide for excellence in the design of residential projects. Within the low-density zone typical designs include small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development.

Within the medium density, high density, and north Costa Mesa zones, site design could include single-and multiple-family residential developments containing any type or mixture of housing units, either attached or detached, including but not limited to clustered development, townhouses, patio houses, detached houses, duplexes, garden apartments, high rise apartments or common interest developments. Complementary non-residential uses could also be included in the planned development.

(q) *PDC Planned Development Commercial*. This district is intended for retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential areas, as well as the entire community and region. Complementary residential uses could also be included in the planned development.

(r) *PDI Planned Development Industrial*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.

(s) *MU Mixed-Use Overlay*. This district may overlay the R2-MD, R2-HD, R3, CL, C1, C2, MG, PDR-HD, PDR-MD, or I&R districts, and it is intended to allow development of residential and nonresidential uses as mixed, integrated projects. This overlay district shall only be applied to the zoning map in conjunction with the adoption of an urban plan for the designated area. The urban plan is a regulating plan that shall define the unique characteristics of the overlay area, include a matrix of permitted, conditionally permitted, and prohibited uses and provide development standards. The provisions of the mixed-use overlay shall be activated by adoption of a master plan.

(t) *Institutional and Recreational Multi-Use District*. This district is intended to allow the integration of a variety of land uses and intensities. This zoning district category includes uses which are low to moderate in density and intensity and urban in character. The multi-use center designation is applicable only to the Fairview Development Center property at 2501 Harbor Boulevard. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 05-3, § 1a., 2-7-05; Ord. No. 06-9, § 1a., 4-18-06; Ord. No. 07-2, § 1a.—c. 2-6-07; Ord. No. 16-09, § 2, 10-4-16)

### 13-21. Overlay districts.

Overlay zoning districts may also be created in conjunction with special regulations. (Ord. No. 97-11, § 2, 5-5-97)

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### **13-22. Zoning district boundaries.**

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The zoning districts listed in section 13-20, zoning districts, and the boundaries of each, are shown on the official zoning map, filed in the planning division. (Ord. No. 97-11, § 2, 5-5-97)

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### **13-23. Division of official zoning map.**

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The official zoning map may be subdivided into district maps, and such district maps may be separately used for amending the zoning map or for any official reference to the zoning map. (Ord. No. 97-11, § 2, 5-5-97)

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### **13-24. Changes in boundaries.**

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All changes shall be made by ordinance adopting an amended zoning map, or part of the zoning map or district map. (Ord. No. 97-11, § 2, 5-5-97)

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### **13-25. Uncertainty of boundaries.**

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Where uncertainty exists as to the boundaries of any zone shown on the zoning map, or any district map, the following rules shall apply:

- (a) When boundaries of zones are approximately following street, alley or lot lines, such lines shall be construed as the boundaries.
- (b) In the case of undivided properties, or property not yet subdivided, and a zone boundary divides the lot, the location of the zone boundary, unless indicated by dimensions, shall be determined by the use of the scale appearing on the zoning map. (Ord. No. 97-11, § 2, 5-5-97)

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### **13-26. Limitation of land use.**

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No new building shall be erected, nor shall any building or land be used for any purpose except as provided and allowed for in this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

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**TITLE 13 PLANNING, ZONING AND DEVELOPMENT**

**CHAPTER III. PLANNING APPLICATIONS**

**13-27. Purpose.**

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures. (Ord. No. 97-11, § 2, 5-5-97)

**13-28. Types.**

- (a) *Administrative adjustment.* Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

TABLE 13-28(a)  
ADMINISTRATIVE ADJUSTMENTS

<i>Standard</i>	<i>Deviation Range</i>
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height.	More than 33 1/3 % but no more than 50%
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

- (b) *Conditional use permit.* Any use specified in this Zoning Code as requiring a conditional use permit.
- (1) *Common interest development conversion.* For residential projects, a proposal to convert an occupied or previously occupied apartment complex to a residential common interest development project. To request a conversion for a newly constructed project, the apartment complex shall have received final building approval for occupancy. For non-residential projects, a proposal to convert an occupied or previously occupied non-residential complex to a non-residential common interest development. Non-residential includes industrial, commercial, office, and/or mixed-use project.
- (c) *Density bonus or incentive.* Any request for incentives to produce lower income and senior housing per State [Government Code](#) section 65915.
- (d) *Design review.* Any construction that results in three (3) or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.
- (e) *Development review.* The following shall be subject to development review:

(1) **Single-story residential construction:** In the R2-MD, R2-HD, and R3 zones, any single-story construction of two (2) or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the planning division.

(2) **Two-story residential construction:** In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units that complies with any residential design guidelines adopted by city council.

(3) **Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones.** However, building additions that do not exceed two thousand (2,000) square feet or fifty (50) percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.

(4) Lot line adjustment; and

(5) Any other use specified in this Zoning Code as requiring development review.

(f) **Lot line adjustment.** Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.

(g) **Master plan.** Prior to development in the planned development (PD), town center (TC), shopping center (C1-S), mixed-use overlay (MU), and all types of institutional and recreational (I&R, I&R-S, and I&R-MLT) zoning districts, a master plan is required. Preliminary master plans are required in the TC and I&R-MLT zone, are optional in PD and MU zones, and are not required in C1-S, I&R-S, and I&R zones.

(1) **Minor changes:** Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

- a. A change in the use or character of the development;
- b. An increase in the overall density or floor area ratio of the development;
- c. An increase in overall coverage of structures;
- d. A reduction or change in character of approved open space;
- e. A reduction of required off-street parking;
- f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks; or
- g. A reduction in required street pavement widths.
- h. An increase of more than six (6) inches in building height.
- i. A decrease in building setback greater than can be approved by a minor modification by the development services director.

(2) **Major amendments.** Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1)a. through (1)i., or any proposed change determined by the development services director as a major amendment, shall be subject to review and approval by the zoning administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the zoning administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.

(3) **Minor amendments.**

- a. Minor amendments to existing master plans in planned development zones are subject to section 13-56, master plan required.
- b. Minor amendments to existing master plans in the TC, C1-S, MU, I&R, I&R-S, and I&R-MLT zones may be approved by development review if the planning division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements

specified in the approved master plan. Furthermore, if the minor amendment results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the planning division must find that the minor amendment is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.

- (4) *Mixed-use development plan screening application.* Applicants for residential or mixed-use development projects in a mixed-use overlay district shall submit a screening application for consideration by city council at a public meeting. No other concurrent application for development may be submitted for processing until city council comments have been received. The purpose of the screening application is to receive city council comments on the merits and appropriateness of the proposed development. No other action on the screening application will be taken by city council. The submittal requirements for the screening review are specified on the city's planning application form, and the city council's review comments on the proposed project for processing shall not set precedent for approval of the master plan.
- (h) *Minor conditional use permit.* Any use or deviation from development standards specified in this Zoning Code as requiring a minor conditional use permit.
- (i) *Minor design review.* The following shall be subject to minor design review:
- (1) Two-story residential construction that does not comply with any residential design guidelines adopted by the city council in the following zones:
    - a. R1 zone: Any two-story construction or second-floor addition; and
    - b. R2-MD, R2-HD, and R3 zones: Any two-story construction on a lot that results in two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units.
  - (2) Reserved for future use.
  - (3) Any deviation from development standards specified in this Zoning Code as requiring a minor design review.
- (j) *Minor modification.* Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

TABLE 13-28(j)(1)  
MINOR MODIFICATION

<i>Standard</i>	<i>Deviation Range</i>
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of nineteen (19) feet from the front property line	20% or less
Decrease in required rear yard depth	20% or less
Decrease in required side yard width	20% or less
Increase in maximum fence/wall height	33 1/3 % or less
Decrease in five-foot setback on street side for fences/walls in excess of thirty-six (36) inches on corner lots in multi-family residential zones	100% or less
Increase in depth of permitted projections into required yards	20% or less
Decrease in minimum driveway width for two (2) or more dwelling units	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less

(2) *Minor building additions that encroach into required setbacks no further than the existing main structure, excluding architectural features.* However, no nonconforming setback width or depth may be decreased further, and the building addition shall comply with all other applicable sections of this Zoning Code and other codes.

(3) Fabric awnings that project no more than five (5) feet from the building face.

- (4) Any deviation from development standards specified in this Zoning Code as requiring a minor modification.
- (k) *Mobile home park conversion.* Any conversion of an existing mobile home park to any other use permitted or conditionally permitted in the applicable zoning district.
- (l) *Planned signing program.* A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.
- (m) *Redevelopment action.* Any development or use proposed within the redevelopment project area as specified by the redevelopment plan or by policy of the redevelopment agency as requiring redevelopment agency approval.
- (n) Reserved.
- (o) *Rezone.* Any proposed change to the official zoning map.
- (p) *Specific plan conformity review.* Any proposed action or land use which is required by the applicable specific plan to be reviewed for conformity with the purpose and intent of the plan.
- (q) *Tentative tract or parcel map (including vesting).* Any proposed subdivision of land which is required by a provision of the Subdivision Map Act or this Zoning Code to file a tentative tract or parcel map.
- (r) *Variance.* Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or administrative adjustment, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.
- (s) *Landmarks and historic districts located within the city.* A person may request placement of a significant historic structure on the local Register of Historic Places subject to the criteria and procedures established in Chapter IX, Article 14, Historic Preservation.
- (t) *Certificate of appropriateness.* A certificate issued by the planning commission (or other commission/committee designated by the city council), approving plans, specifications, or statements of work for any proposed alteration, restoration, or rehabilitation, construction, relocation, or demolition, in whole or in part, of a “designated cultural resource” listed on the city’s local Register of Historic Places. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-17, § 3, 11-15-99; Ord. No. 01-10, §§ 1a., 1b., 3-5-01; Ord. No. 01-16, § 1b., 6-18-01; Ord. No. 02-4, § 1m, 3-18-02; Ord. No. 03-4, § 1(a), 6-2-03; Ord. No. 03-8, §§ 1, 2, 9-2-03; Ord. No. 05-3, § 1b., 2-7-05; Ord. No. 05-2, § 1a.—c., 2-22-05; Ord. No. 06-9, § 1b., 4-18-06; Ord. No. 07-17, § 1a., b., 10-2-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 16-09, § 3, 10-4-16)

### 13-29. Planning application review process.

- (a) *Application.*
  - (1) Application for any planning application shall be made to the planning division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the planning division.
  - (2) All applications shall be signed by the record owner of the real property to be affected. This requirement may be waived upon presentation of evidence substantiating the right of another person to file the application.
- (b) *Fees.* The application shall be accompanied by all applicable processing fees as established by resolution of the city council.
- (c) *Public hearing.* Upon receipt of a complete application for a planning application, the planning division shall fix a time and place of the public hearing if one is required pursuant to Table 13-29(c). For planning applications which require review by both the planning commission and city council or redevelopment agency, pursuant to Table 13-29(c), the final review authority shall hold a public hearing no more than forty-five (45) days from the receipt of the planning commission’s recommendation.

TABLE 13-29(c)  
PLANNING APPLICATION REVIEW PROCESS

<i>Planning Applications</i>	<i>Public Notice Required</i>	<i>Public Hearing Required</i>	<i>Recommending Authority</i>	<i>Final Review Authority</i>	<i>Notice of Decision</i>
Development Review Minor Modification	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission; and, if located in a redevelopment project area, the Redevelopment Agency	City Council	No
Local Register of Historic Places	No	No	Planning Commission or other commission/committee as designated by the City Council	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission or other commission/committee as designated by the City Council	Planning Commission or other commission/committee as designated by the City Council	No

(d) *Public notice.* When required pursuant to Table 13-29(c), public notice shall be given as described in the following subsections. Public notices shall contain a general explanation of the proposed planning application and

any other information reasonably needed to give adequate notice of the matter to be considered.

(1) *Mailed notice required.* Notices of the hearing shall be mailed to all property owners and occupants within a five hundred (500) foot radius of the project site, except for applications for the construction of a building(s) one hundred fifty (150) feet or more in height; these applications shall require a greater notice radius:

<i>Building Height in Feet</i>	<i>Notice Requirement</i>
More than 150 and less than or equal to 225	700-foot radius
More than 225 and less than or equal to 300	900-foot radius
More than 300	1,100-foot radius

The required notice radius shall be measured from the external boundaries of the property described in the application. The notice shall be mailed no less than ten (10) days prior to the hearing or determination on the application. The planning division shall require mailing labels from the project applicant for this purpose. The mailing labels shall reflect the last known name and address of owner(s) as shown on the last equalized county assessment roll or by a more current listing.

(2) *On-site posting required.* Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than ten (10) days prior to the date set for the hearing or determination on the application.

(3) *Newspaper publication.* When a public hearing is required, notice shall also be published once in the city in a newspaper of general circulation, no less than ten (10) days prior to the date set for the public hearing.

(e) *Review criteria.* Review criteria for all planning applications shall consist of the following:

(1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

(2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

(3) Compliance with any performance standards as prescribed elsewhere in this Zoning Code.

(4) Consistency with the general plan and any applicable specific plan.

(5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

(6) When more than one (1) planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

(7) For residential developments, consistency with any applicable design guidelines adopted by city council resolution.

(8) For affordable multi-family housing developments which include a minimum of sixteen (16) affordable dwelling units at no less than twenty (20) dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the design review or master plan application process.

(f) *Conditions.* The final review authority pursuant to Table 13-29(c), may impose reasonable conditions to assure compliance with the applicable provisions of this Zoning Code, and to assure compatibility with surrounding properties and uses and to protect the public health, safety and general welfare. The final review authority may also

require such written guarantees, cash deposits, recorded land use restrictions, etc., as may be necessary to assure compliance with the conditions.

(g) *Findings.* When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below. Other findings may also be required pursuant to other provisions of this Zoning Code.

(1) Administrative adjustment and variance findings:

- a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.
- b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
- c. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

(2) Conditional use permit and minor conditional use permit findings:

- a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.
- b. Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- c. Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

(3) Density bonus and concession or incentive findings:

- a. The request is consistent with State [Government Code](#) section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.
- b. The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.
- c. The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in [Health and Safety Code](#) section 50052.5 or for rents for the targeted units.
- d. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [Government Code](#) section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- e. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(4) Lot line adjustment findings: The lot line adjustment and improvements are consistent with the general plan, any applicable specific plan and this Zoning Code.

(5) Master plan findings:

- a. The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.
- b. Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.

- c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.
- (6) Minor modification findings:
- a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.
- (7) Mobile home park conversion findings:
- a. The impacts of the conversion on the residents of the mobile home park have been duly considered as required by the State [Government Code](#).
- b. The proposed conversion project is consistent with the general plan, any applicable specific plan and this Zoning Code.
- (8) Planned signing program findings:
- a. The proposed signing is consistent with the intent of Chapter VIII, Signs, and the General Plan.
- b. The proposed signs are consistent with each other in design and construction taking into account sign style and shape, materials, letter style, colors and illumination.
- c. The proposed signs are compatible with the buildings and developments they identify taking into account materials, colors and design motif.
- d. Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard sign provisions would allow.
- (9) Redevelopment action findings: The proposed use and/or development is consistent with the guidelines of the redevelopment plan.
- (10) Common interest development conversion findings:
- a. The applicant has submitted an adequate and legally binding plan which addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and
- b. The proposed common interest development conversion project conforms to adopted general plan policies and any applicable specific plan or urban plan, and if applicable, increases the supply of lower cost housing in the city and/or that the proposed conversion project fulfills other stated public goals.
- c. The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.
- d. The overall design and physical condition of the common interest development conversion project achieves a high standard of appearance, quality, and safety.
- e. The proposed common interest development conversion project conforms to the Costa Mesa Zoning Code requirements.
- f. For a proposed common interest development conversion project that does not conform to the zoning code requirements, the project due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole. Deviations from zoning code requirements are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements.

g. For a proposed common interest development conversion project located in an urban plan area, the proposed conversion is consistent with the applicable mixed-use overlay zoning district. Specifically, the proposed non-residential conversion project supports a mixed-use development or a similar land use that is not allowed in the base zoning district, or the proposed conversion project is a residential common interest development that is permitted by either the base or overlay zoning district.

(11) Rezone findings: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

(12) Specific plan conformity review findings: Refer to the applicable specific plan text.

(13) Tentative parcel or tract map findings:

a. The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.

b. The proposed use of the subdivision is compatible with the general plan.

c. The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and general plan, and consideration of appropriate environmental information.

d. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State [Government Code](#) section 66473.1.

e. The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.

f. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State [Water Code](#) section 13000).

(14) Design review and minor design review findings:

a. The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.

b. The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.

c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

(h) *Decision.*

(1) After the public hearing, if required, the final review authority may approve, conditionally approve or deny any application for the planning application based upon the standards and intent set forth in the applicable provisions of this Zoning Code. In the case of a denial, the applicant shall be notified of the circumstances of the denial.

(2) For planning applications which require the planning commission to make a recommendation to the final review authority, the authority shall not approve any major change or additions in any proposed planning application until the proposed change or addition has been referred to the planning commission for a report, unless the change or addition was previously considered by the planning commission. It shall not be necessary for the planning commission to hold a public hearing to review the referral. Failure of the planning commission to report to the final review authority within forty (40) days after the referral shall be deemed approval of the proposed change or addition.

(i) *Notice of decision.*

(1) Notice of the zoning administrator's decision shall be given within five (5) days of the decision to the city council, planning commission and to any affected party requesting the notice. Any member of the planning commission or city council may request review of a zoning administrator's decision within seven (7) days of the notice of the decision. No fee shall be charged for such review.

(2) Notice of the planning commission's and/or redevelopment agency's decision shall be given within five (5) days to the city council and to any affected party requesting the notice. Any member of the city council may request review of the decision within seven (7) days of the notice of the decision. No fee shall be charged for such review.

(j) *Appeals.* Appeals of the final review authority shall be filed within seven (7) days of the public hearing or the date of the notice of decision according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(k) *Time limits and extensions.*

(1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.

(2) a. Unless otherwise specified by condition of approval, any permit or approval not exercised within twenty-four (24) months from the actual date of review authority approval shall expire and become void, unless an extension of time is approved in compliance with paragraph (4) of this subsection;

b. The permit shall not be deemed "exercised" until at least one of the following has first occurred:

1. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the building official.

2. A certificate of occupancy has been issued.

3. The use is established and a business license has been issued.

4. A time extension has been granted in compliance with paragraph (3) of this subsection.

(3) The time limits specified in paragraph (2) of this subsection shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within twenty-four (24) months of the approved preliminary master plan. Time limits regarding the construction of improvements authorized by the approved final master plan for each phase of the project shall comply with the time limits established in paragraph (2).

(4) *Extension of time.*

a. *Filing and review of request.* No less than thirty (30) days or more than sixty (60) days before the expiration date of the permit, the applicant shall file a written request for an extension of time with the department, together with the filing fee established by resolution of the city council.

b. For extension requests not to exceed one hundred eighty (180) days: The director of development services may extend the time for an approved permit or approval to be exercised. Only one request for an extension of one hundred eighty (180) days may be approved by the director. Any subsequent extension requests shall be considered by the original approval authority.

c. For extensions requests of more than one hundred eighty (180) days: The review authority for the original project shall consider the request to extend the time for an approved permit or approval to be exercised. A public hearing shall only be held if it was required on the original application. If notice was required for the original application, notice of the public hearing shall be given according to the procedures set forth in this chapter.

(5) Fees for extensions of time for planning applications may be established by resolution of the city council.

(6) *Action on extension request.* A permit or approval may be extended beyond the expiration of the original approval provided the director or the review authority finds that there have been no changes in the conditions or circumstances of the site, such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for

denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.

(7) *Effect of expiration.* After the expiration of the permit or approval, no further work shall be done on the site and no further use of the site shall occur until a new permit or approval, or other city permits or approvals are first obtained. Fees for extensions of time for planning applications may be established by resolution of the city council.

(l) *Building permits/authority to proceed.* No building permit or authority to proceed shall be granted until all required review and approval has been obtained and all applicable appeal periods have expired.

(m) *Compliance.* Final occupancy shall not be granted unless the site development conforms to the approved set of building plans, applicable conditions of approval and code requirements.

(n) *Reapplication.* Upon final denial of any planning application, a new application for substantially the same planning application may not be filed within six (6) months of the date of the denial. The development services director shall determine whether the new application is for a planning application which is substantially the same as a previously denied application. No decision of the development services director shall be effective until a period of seven (7) days has elapsed following the written notice of a decision; an appeal of the decision shall be filed according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(o) *Enforcement authority.*

(1) The planning commission may require the modification or revocation of any planning application and/or pursue other legal remedies as may be deemed appropriate by the city attorney, if the planning commission finds that the use as operated or maintained:

- a. Constitutes a public nuisance as defined in State [Civil Code](#) Sections 3479 and 3480; or
- b. Does not comply with the conditions of approval.

(2) The modification or revocation of any permit by the planning commission under this subsection shall comply with the notice and public hearing requirements set forth in subsections (c) and (d). The development services director may require notice for a development review or minor modification, if deemed appropriate.

(p) *Amendment to a planning application.* Any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of the following two (2) instances:

- (1) Minor amendments to conditional use permits shall be processed as minor conditional use permits; and
- (2) Amendments to master plans which comply with section 13-28(f)(1) may be authorized by the planning division.

(q) *Concurrent processing.* Unless otherwise stated in this Zoning Code, applications for proposed projects which require two or more planning application approvals may be processed concurrently. Final project approval shall not be granted until all necessary approvals have been obtained. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 5—7, 3-2-98; Ord. No. 99-17, § 4, 11-15-99; Ord. No. 01-11, § 1a., 3-5-01; Ord. No. 01-16, §§ 1c.—e., 6-18-01; Ord. No. 03-8, § 3, 9-2-03; Ord. No. 05-2, § 1d., e., 2-22-05; Ord. No. 06-7, § 1a., 4-18-06; Ord. No. 06-9, § 1c., 4-18-06; Ord. No. 07-17, § 1c., d., 10-2-07; Ord. No. 09-13, § 1, 11-17-09; Ord. No. 17-12, § 1, 9-19-17; Ord. No. 18-06, § 1, 9-4-18)

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# TITLE 13 PLANNING, ZONING AND DEVELOPMENT

## CHAPTER IV. CITYWIDE LAND USE MATRIX

**13-30. Purpose.**

The purpose of this chapter is to provide a comprehensive list of uses which are permitted, conditionally permitted, or prohibited in the various zoning districts, as represented by Table 13-30, Land Use Matrix. In evaluating a proposed use, the following criteria shall also be considered:

- Uses determined as permitted may be subject to a discretionary review when construction is proposed, pursuant to Chapter III, Planning Applications.
- Uses proposed in the planned development zones are subject to verification of consistency with the master plan adopted for planned development zones. A proposed use not expressly allowed by the adopted master plan may require additional discretionary review pursuant to Table 13-30, Land Use Matrix.
- All listed uses in the matrix are subject to verification of compliance with density and floor area ratio limits, parking requirements and performance standards which may, in certain cases, prevent the establishment of the use.
- Any proposed use not listed in the Land Use Matrix shall be reviewed by the development services director to determine its similarity to another listed use. If no substantial similarity exists, the proposed use shall require approval of a conditional use permit prior to establishment of the use.
- For the purpose of Table 13-30, Land Use Matrix, the various zoning districts are labeled as follows:

Residential zones: R1, R2-MD, R2-HD, and R3

Commercial zones: AP, CL, C1, C2, C1-S, and TC

Industrial zones: MG and MP

Planned Development Residential zones: PDR-LD, PDR-MD, PDR-HD, and PDR-NCM

Planned Development Commercial zone: PDC

Planned Development Industrial zone: PDI

The Parking zone: P

Institutional and Recreational zones: I & R, I & R-S, and I & R-MLT

- For zoning districts located in a specific plan area, please refer to the appropriate specific plan text to determine if any additional regulations related to land uses are applicable.

- For the mixed-use overlay district located in an urban plan area, please refer to the appropriate urban plan text for additional regulations related to development standards and allowable land uses as applicable.

TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R-S <sup>1</sup>	I&RMLT <sup>1</sup>	P	
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P <sup>4</sup>	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•

LAND USES	R1	ZONES																				
		R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	S <sup>1</sup>	I&R-M	P
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•
4. Boarding-house, small <sup>7</sup>	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
5. Boarding-house, large <sup>7</sup>	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•
6. Residential care facility, six (6) or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	P	•
7. Group homes, six (6) or fewer	S	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	•	•	•	•	•	•	•	•	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	P	•	P	•
7.1 Sober living homes, six (6) or fewer	S <sup>5</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	•	•	•	•	•	•	•	•	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	P	•	•	•
8. Residential care facility, seven (7) or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•
9. Group homes, seven (7) or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•
9.1 Sober living homes, seven (7) or more	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	•	•	•	•	•	•	•	•	•	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	•	•	•
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	C <sup>2</sup>	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	S <sup>1</sup>	I&RM-LT <sup>1</sup>	P
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																						
12. Reserved for future use.																						
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																					
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																					
15. Reserved for future use																						
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use. Land use restriction required.	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•

LAND USES	ZONES																			
	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-M <sup>1</sup>
17. Family day care—Large (7 to 14 children) (subject to the requirements of section 13-37, large family day care homes)	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	•	•	•	•	•	•	•	•	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	P	•
18. Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	p <sup>3</sup>	p <sup>3</sup>	P	•
19. Garage/yard sales—No more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	p <sup>3</sup>	p <sup>3</sup>	•	•
20. Reserved for future use.																				
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2</sup>	•
22. Home occupations that generate traffic and do not involve more than 1 customer/client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	MC <sup>2,3</sup>	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S <sup>1</sup>	I&R-LT <sup>1</sup>	P
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
22.2 Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	.	.	.	.	.	p <sup>2</sup>	.	.	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	.	.	p <sup>2</sup>	.
22.3 Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	.	.	.	.	.	.	.	.	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	.	.	p <sup>2</sup>	.
22.4 Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S <sup>1</sup>	I&R-LT <sup>1</sup>	P
INSTITUTIONAL AND RECREATIONAL USES																						
23. Cemeteries	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	C	.	.	.

	ZONES																						
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S <sup>1</sup>	I&R-LT <sup>1</sup>	P	
24. Churches and other places of religious assembly (Subject to the requirements of article 4.5, development standards for churches and other places of religious assembly)	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	C	•	P	•
	ZONES																						
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S <sup>1</sup>	I&R-LT <sup>1</sup>	P	
26. Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	P	•	•	•	
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•	•	
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•	
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	•	
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
31b. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
31c. Cannabis and/or marijuana distributor	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	

LAND USES	ZONES																			
	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-M
31d. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	•	C <sup>9</sup>	•	•
31e. Cannabis and/or marijuana retail sales	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31f. Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	C <sup>9</sup>	•	•	•	•	•	C <sup>9</sup>	•	•
32. Mortuary services without crematories	•	•	•	•	C	C	C	C	C	•	C	C	•	•	•	•	•	•	C	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
LAND USES	ZONES																			
	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-M
33. Nursery schools—See also Day care facilities for 15 or more children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•
34. Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	•
35. Public offices and facilities, such as city halls, court-houses, police/ fire stations, etc.	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	P	•
36. Schools: primary, secondary and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•
37. Schools: trade and vocational	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	P	MC	P	•
38. Senior congregate care facility	•	C	C	C	C	C	C	C	C	C	•	•	•	C	C	C	C	•	C	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S <sup>1</sup>	I&R-LT <sup>1</sup>	P
39a. Emergency shelters	.	.	.	.	.	.	.	.	.	.	.	C <sup>10</sup>	.	.	.	.	.	p <sup>10</sup>	.	.	.	.
SPECIAL SEASONAL EVENTS																						
40. Reserved.																						
41. Christmas tree lots; pump-kin patches; fireworks stands; produce stands (subject to the requirements of title 9, chapter II, regulation of certain businesses)	.	.	.	.	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	.	.	.	.	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	.	.
COMMERCIAL AND INDUSTRIAL USES																						
42. Acupressure; massage (subject to the requirements of title 9, chapter II, article 22, Massage establishments and practitioners)	.	.	.	.	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	.	.	.	.	.	.	p <sup>2</sup>	.	.	.	.	.
43. Adult businesses (See Sexually-oriented businesses)																						
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	I&R-S <sup>1</sup>	I&R-LT <sup>1</sup>	P
44. Aggregate batch plants; Rock or asphalt crushing; Sand blasting	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
45. Ambulance services	.	.	.	.	MC	MC	MC	MC	MC	MC	MC	MC	.	.	.	.	MC	MC	.	.	.	.
46. Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines)	.	.	.	.	.	.	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	.	.	.	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	.	.	.	.	.
47. Animal hospitals; veterinary services	.	.	.	.	.	C	C	P	P	C	C	C	.	.	.	.	P	.	.	.	.	.

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established business																									
64. Catering	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•	•	•	•
65. Coffee roasting	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•	•	•	•	•
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•	•	•	•	•
67. Commercial art; Graphic design	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	•	•	•
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•	•	•	•
69. Computer and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	•	•	•
70. Contracting: general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•	•	•	•	•
71. Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	•
72. Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•	•	•	•
73. Electronic game machines (four (4) or more), incidental to the primary use, (subject to the requirements of chapter IX, article 5, electronic game machines)—Excluding amusement centers listed separately	•	•	•	•	•	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	•	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	MC <sup>2</sup>	•	•	•	•	•	•	•
74. Engineering; architectural; and surveying services —See Offices																									
	ZONES																								
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	S <sup>1</sup>	I&RM	LT <sup>1</sup>	P		

75. Entertainment, live or public	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	•
76. Establishments where food or beverages are served	•	•	•	•	•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	•
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
78. Flower stands —See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
80. Grocery stores —See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
81. Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•
82. Heliports; Helistops	•	•	•	•	•	•	•	•	C	C	C	C	•	•	•	•	C	C	C	C	•	•
83. Hotels— Excluding motels listed separately	•	•	•	•	•	•	C	C	C	P	•	•	•	C	C	C	P	•	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	•	•	•	•
87. Limousine services	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
88. Liquor stores	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•

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105. Motor vehicle service stations with concurrent sale of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel)	•	•	•	•	•	•	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	•	•	•	•	•	•	•	C <sup>2</sup>	•	•	•	•	•
106. Motor vehicle; boat; and motorcycle repair services (including body and paint work), not within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
107. Motor vehicle; boat; and motorcycle repair services (including body and paint work), within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	C	C	C	•	C	C	•	•	•	•	C	C	•	•	•	•
108. Nurseries (retail with no bulk fertilizer)	•	•	•	•	•	C	C	P	P	•	C	C	•	•	•	•	•	•	•	•	•	•
109. Offices: central administrative	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
110. Offices: engineering; architectural; and surveying services; management; consulting and public relations	•	•	•	•	P	P	P	P	P	P	P	P	•	MC	MC	MC	P	P	•	•	•	•
111. Offices: general	•	•	•	•	P	P	P	P	P	P	MC	MC	•	MC	MC	MC	P	P	•	•	•	•
112. Reserved																						
113. Offices:	•	•	•	•	P	P	P	P	P	P	•	•	•	MC	MC	MC	P	MC	MC	•	•	•

medical and dental																						
114. Offices: services to businesses such as bookkeeping and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S <sup>1</sup>	TC <sup>1</sup>	MG	MP	PDR-LD <sup>1</sup>	PDR-MD <sup>1</sup>	PDR-HD <sup>1</sup>	PDR-NCM <sup>1</sup>	PDC <sup>1</sup>	PDI <sup>1</sup>	I&R <sup>1</sup>	S <sup>1</sup>	I&RM LT <sup>1</sup>	P
115. Off-street parking lots and structures including related maintenance buildings	•	•	•	•	C	C	C	C	C	P	C	C	•	•	•	C	C	C	C	C	•	P
116. Off-street parking lots and structures, incidental uses within	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	•	MC
117. Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
118. Pawn shops	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•
119. Photocopying; blueprinting and related services	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
120. Photofinishing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
121. Photofinishing stores	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	P	•	•	•	•
122. Photography: Commercial	•	•	•	•	P	P	P	P	P	P	MC	MC	•	•	•	•	P	MC	•	•	•	•
123. Photography: portrait studio	•	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	P	MC	•	•	•	•
124. Physical fitness facilities	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
125. Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•	•
126. Recording studios	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
127. Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	MC	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	•	•
128 Research and development	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	•	P	•	•	•	

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<sup>1</sup> Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the general plan.

<sup>2</sup> This use is subject to the requirements of the referenced Municipal Code article or section.

- 3 If residential uses exist, accessory uses shall be permitted.
- 4 For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C—Conditional Use Permit; MC—Minor Conditional Use Permit; P—Permitted; •—Prohibited; and S—Special Use Permit.
- 5 Six-hundred--fifty-foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).
- 6 Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).
- 7 Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.
- 8 Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone.
- 9 Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.
- 10 Emergency shelters located on sites owned, controlled, and/or operated by the city in the MP and/or the PDI zone are a permitted use and the standards in section 13-200.79(1), (2), (4), (8), (10) and (13) do not apply to such uses.
- (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-4, § 2, 2-2-98; Ord. No. 98-5, § 8, 3-2-98; Ord. No. 00-5, § 1(b), 3-20-00; Ord. No. 01-1, § 1, 1-15-01; Ord. No. 01-30, § 1a(Att. A), 1-7-02; Ord. No. 02-4, § 1b(Att. A), 3-18-02; Ord. No. 02-12, § 1c, 6-17-02; Ord. No. 05-2, § 1f.(Att. A), 2-22-05; Ord. No. 05-11, § 2b., 7-19-05; Ord. No. 06-2, § 1a., 2-7-06; Ord. No. 06-9, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 2-6-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2B., 3-19-13; Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 14-13, 10-21-14; Ord. No. 15-06, §§ 1—3, 7-7-15; Ord. No. 15-10, § 2B, 9-15-15; Ord. No. 15-11, §§ 3—5, 11-17-15; Ord. No. 16-01, § 4, 1-19-16; Ord. No. 16-09, §§ 4, 5(Exh. A), 10-4-16; Ord. No. 16-13, § 2, 11-15-16; Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-03, § 3, 1-16-18; Ord. No. 18-04, § 3, 4-3-18; Ord. No. 19-13, § 3, 9-3-19; Ord. No. 19-15, § 1, 9-17-19; Ord. No. 21-03, § 4, 3-2-21)

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## Costa Mesa Municipal Code

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[CHAPTER IX. SPECIAL LAND USE REGULATIONS](#)**ARTICLE 15. REASONABLE ACCOMMODATIONS****13-200.60. Purpose.**

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq., and [Government Code](#) § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed. (Ord. No. 14-13, § 3, [10-21-2014](#))

**13-200.61. Applicability.**

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing. (Ord. No. 14-13, § 3, [10-21-2014](#))

**13-200.62. Reasonable accommodations—Procedure.**

- (a) *Application required.* An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the following information and be subject to the determinant factors required by this section.
- (b) *Submittal requirements.* The application shall be made in writing, and shall include the following information:
  - (1) The zoning code provision, regulation, policy, or condition from which accommodation is being requested;
  - (2) The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;
  - (3) Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;
  - (4) Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;
  - (5) The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;
  - (6) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;
  - (7) Any other information that the hearing officer reasonably concludes is necessary to determine whether the findings required by subsection (e) of this section can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.
- (c) *Fees.* No application fee is required.
- (d) *Director action.* Within sixty (60) days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation

request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit.

(e) *Grounds for reasonable accommodation.* The following factors shall be considered in determining whether to grant a requested accommodation:

(1) Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.

(2) Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.

a. In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.

b. In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

(f) *Findings.* The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

(4) The requested accommodation is consistent with surrounding uses in scale and intensity of use.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(6) If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.

(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.

(g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

(1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.

(2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(3) Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan.

(4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(5) Any other factors that would cause a fundamental alteration in the city's zoning program, as may be defined in the Fair Housing Law. (Ord. No. 14-13, § 3, 10-21-2014; Ord. No. 17-05, § 1, 5-2-17)

### **13-200.63. Severability.**

Should any section, subsection, clause, or provision of this article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; it being hereby expressly declared that this article, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This article shall be prospective in application from its effective date. (Ord. No. 14-13, § 3, 10-21-2014)

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**CHAPTER X. NONCONFORMING USES, DEVELOPMENTS AND LOTS**

**13-201. Purpose.**

The purpose of this chapter is to identify the development parameters regarding nonconforming uses, developments and lots. (Ord. No. 97-11, § 2, 5-5-97)

**13-202. Definitions.**

The following terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

*Conforming use.* An existing and legally established use which is permitted in a particular zone by this Zoning Code.

*Conforming development.* An existing and legally established development which conforms to the development standards required by this Zoning Code.

*Nonconforming development.* An existing and legally established development which no longer conforms to the development standards required by this Zoning Code.

*Nonconforming dwelling unit.* An existing and legally established dwelling unit which no longer conforms to the development standards required by this Zoning Code or which is located in a district where it is no longer permitted.

*Nonconforming lot.* An existing and legally established lot not complying with the minimum area and dimension standards required by this Zoning Code.

*Nonconforming mobile home park.* An existing and legally established mobile home park which no longer conforms to the development standards or location provisions required by this Zoning Code.

*Nonconforming use.* An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code.

*Nonconforming use of land or of land with minor structures only.* An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code and where such use involves no individual structure with a replacement cost exceeding five thousand dollars (\$5,000.00). (Ord. No. 97-11, § 2, 5-5-97)

**13-203. Maintenance and repair.**

- (a) Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe, except as noted in subsection (b), by order of any official charged with protecting the public safety, nor shall it prevent alterations necessary for compliance with requirements of other governmental agencies.
- (b) If a nonconforming development or portion of a development containing a nonconforming use becomes physically unsafe or unlawful because of lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be re stored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. (Ord. No. 97-11, § 2, 5-5-97)

**13-204. Nonconforming provisions.**

The following table identifies the provisions governing nonconforming uses and/or developments:

TABLE 13-204  
NONCONFORMING PROVISIONS—USES

<b><i>TYPE OF USE</i></b>	<b><i>CONTINUANCE OF A USE PERMITTED</i></b>	<b><i>CHANGE OF USE PERMITTED</i></b>
Conforming Use in a Nonconforming Development	YES—No restrictions on use.	YES—Exception: If the development has less parking than required for the existing conforming use, the existing use may not be replaced with a use requiring more parking unless the additional parking required for the new use is provided. Other uses on the same site may continue with the existing nonconforming parking.
Nonconforming Use in a Conforming or Nonconforming Structure: Nonresidential Structures	YES—However, when a nonconforming use is discontinued or abandoned for 6 consecutive months or for 18 nonconsecutive months during any three-year period (except when government action impedes access to the premises) or when it is replaced for any time period by a conforming use, the development shall not thereafter be used except in conformity with the regulations of the district in which it is located. For purposes of this chapter, a discontinued use shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.	YES—Any nonconforming use may be changed to another nonconforming use provided that the development services director finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the premises to bring them into greater conformance with the requirements for the district. Structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use.
Residential Structures	YES—However, when a nonconforming use is discontinued or abandoned for any period of time, it may not be reestablished. All subsequent uses in the residential structure shall conform to this Zoning Code.	YES—However, only to a use conforming to the provisions of this Zoning Code.
Nonconforming Mobile Home Parks	YES—A nonconforming mobile home park may continue unless and until no one resides onsite for a continuous period of 6 months.	YES—However, the conversion is subject to the procedures for Mobile Home Park Conversions in Chapter III Planning Applications.

<b><i>TYPE OF USE</i></b>	<b><i>CONTINUANCE OF A USE PERMITTED</i></b>	<b><i>CHANGE OF USE PERMITTED</i></b>
Nonconforming Use of Land or Land with Minor Structures only	<p>1. Legally established agricultural uses may continue until the land is developed.</p> <p>2. If the use is discontinued or abandoned for any period of time, all subsequent uses shall conform to this Zoning Code.</p> <p>3. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time it became nonconforming.</p> <p>4. No nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the time the use became nonconforming.</p>	YES—However, only to a use conforming to the provisions of this Zoning Code.

TABLE 13-204  
NONCONFORMING PROVISIONS—DEVELOPMENTS

<b><i>TYPE OF DEVELOPMENT</i></b>	<b><i>ALTERATION OF DEVELOPMENT</i></b>	<b><i>REBUILDING AFTER DESTRUCTION</i></b>
All Nonresidential Developments containing Nonconforming Uses	No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted.	<p>The following provisions shall apply to the reconstruction of legal nonconforming commercial, industrial and institutional developments. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director.</p> <p>1. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be destroyed to an extent of more than 50 percent of the market value, it shall not be reconstructed unless such destruction is unintentional.</p>

<b>TYPE OF DEVELOPMENT</b>	<b>ALTERATION OF DEVELOPMENT</b>	<b>REBUILDING AFTER DESTRUCTION</b>
		<p>In the case of unintentional destruction, the development may be restored to its original building intensity (floor area ratio) and use provided that:</p> <ol style="list-style-type: none"> <li>The rebuilding complies with all other applicable sections of this Zoning Code and other codes including but not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping.</li> <li>The rebuilding would not increase the development's nonconformity.</li> </ol> <p>2. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.</p>
Nonconforming Nonresidential Developments containing Conforming Uses	<p>Alterations may be made provided that all of the following criteria are met:</p> <ol style="list-style-type: none"> <li>The alteration itself complies with all applicable sections of this Zoning Code and other codes;</li> <li>In permitting such an alteration, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the development to bring it into greater conformance with the standards for the district; and</li> <li>The development will not be made more nonconforming.</li> </ol>	
Nonconforming Use of Land or Land with Minor Structures only	No nonconforming structure shall be erected or altered in connection with the nonconforming use of land.	

<b><i>TYPE OF DEVELOPMENT</i></b>	<b><i>ALTERATION OF DEVELOPMENT</i></b>	<b><i>REBUILDING AFTER DESTRUCTION</i></b>
Nonconforming Dwelling Units containing Conforming Uses	<p>Alterations may be made to nonconforming dwelling units provided the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. The zone is residential;</li> <li>2. The alteration or addition itself complies with all applicable sections of this Zoning Code and other codes;</li> <li>3. The addition does not occupy the only portion of an area which can be used for required garages, parking spaces or access thereto; and</li> <li>4. The residential development will not be made more nonconforming.</li> <li>5. When the existing main building, excluding architectural features, projects into required setback areas, minor building additions may encroach into required setback areas with approval of a minor modification.</li> </ol>	<p>The following provisions shall apply to the reconstruction of legal nonconforming dwelling units. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director.</p> <ol style="list-style-type: none"> <li>1. If the unit(s) in any residential zone is/are destroyed unintentionally by any means, to any extent, the damage may be restored and the occupancy continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.</li> <li>2. See section 13-205 regarding provisions for rebuilding after voluntary destruction in multi-family zones.</li> <li>3. Should a legally constructed dwelling unit in a commercial or industrial zone be destroyed by any means to an extent of more than 50 percent of the market value, it shall not be reconstructed.</li> <li>4. Should a legally constructed dwelling unit in a commercial or industrial zone be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.</li> </ol>

<b>TYPE OF DEVELOPMENT</b>	<b>ALTERATION OF DEVELOPMENT</b>	<b>REBUILDING AFTER DESTRUCTION</b>
Nonconforming or Conforming Dwelling Units containing Nonconforming Uses	<p>1. No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted.</p> <p>2. In nonconforming mobile home parks, existing mobile homes may be replaced by other mobile homes provided that the total number of units within the mobile home park is not increased and the mobile home park will not be made more nonconforming in respect to this Zoning Code.</p>	
Nonconforming Mobile Home Parks		

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 28, 3-2-98)

### **13-205. Provisions for multi-family zones for rebuilding after voluntary destruction.**

(a) If units in the R2-MD, R2-HD, R3 or PDR zones are voluntarily demolished, an equal or lesser number of units may be rebuilt so long as the development complies with all other applicable sections of this Zoning Code and other codes. This includes but is not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. Furthermore, the allowable density or number of units to be redeveloped shall be limited to the general plan rebuilding incentive for the current land use designation. The resulting number of units shall not exceed the existing number of legal nonconforming units nor be more than the number of units that would have been allowed on March 15, 1992. The rebuilding shall not increase the development's nonconformity.

(b) Consideration may be given through the master plan process, to allow rebuilding of existing multiple-family residential projects that do not fully meet all the other applicable sections of this Zoning Code and other code standards. Consideration shall be given to the provision of tandem parking for units requiring more than one dedicated parking space and for cantilevered second story living areas over drive or yard areas. Through the master plan process, the rebuilding project must demonstrate why strict compliance with each of the current standards is either infeasible or unnecessary. In exchange for any deviation from current standards, the project must provide additional amenities such as those listed below:

- (1) Provision of garages instead of carports for greater security.
- (2) Useable open space with amenities.
- (3) Flower beds and adequate lawns of sufficient area to create a useable recreation area.
- (4) Individual vegetable garden areas screened by hedges.
- (5) Masonry planters, potted flowers and shrubs on decks and balcony flower boxes.
- (6) Trellises with vines.
- (7) Minimum size trees based on box size rather than gallons such that thirty (30) percent or more of the trees are a minimum twenty-four-inch box size.
- (8) CC&Rs to ensure landscape maintenance.

- (9) On-site manager for projects of fifteen (15) units or less.
  - (10) Awnings, especially along the front for color and product definition, and a better facade.
  - (11) Stamped concrete or decorative at entrances and critical driveway intersections.
  - (12) Meandering rather than straight sidewalks.
  - (13) Terraced elevations at all sides to reduce scale and massing.
  - (14) Upgraded windows and doors for noise reduction.
  - (15) Covered/screened dumpsters for projects of four (4) units or less.
  - (16) Concrete slab where the trash truck would stop to compact trash to prevent damage, or contract for roll-off service so that the trash truck does not come on-site.
  - (17) Orientation of units away from the street toward interior courtyards.
  - (18) Adequate lighting for security (beyond parking and driveway lighting required by code).
  - (19) Gates and intercom system for security.
  - (20) Other amenities that enhance the project and the overall neighborhood.
- (c) In reviewing the master plan, the planning commission shall decide if the degree of deviation is warranted, if the proposed amenities are sufficient to offset the deviation, and if the maximum allowable density shall be reduced due to the deviation.
- (d) The master plan shall be processed as shown in Chapter III, Planning Applications.
- (e) *Findings.* The findings necessary to grant the master plan are:
- (1) Full compliance with current development standards would make rebuilding infeasible;
  - (2) The proposed rebuilding is substantially compatible with surrounding developments and would not be materially detrimental to other properties in the area;
  - (3) The proposed rebuilding is less nonconforming than the existing development; and
  - (4) The proposed rebuilding provides additional amenities that ensure a high quality development. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 29, 3-2-98; Ord. No. 05-3, § 1h., 2-7-05)

### 13-206. Nonconforming fences and walls.

Nonconforming fences or walls may remain unless destroyed, damaged or altered (by any means or cause) to the extent of more than fifty (50) percent of its value. When the destruction, damage or alteration exceeds fifty (50) percent of its value then the reconstruction shall conform to the Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

### 13-207. Nonconforming lots.

- (a) Uses permitted in the zone shall be permitted on nonconforming lots, subject to all other property development standards of the zone.
- (b) When two (2) or more contiguous nonconforming lots or portions of lots are held under common ownership, they shall be deemed merged when and as provided for in the Subdivision Map Act (State [Government Code](#) Sections 66410 to 66499.58). (Ord. No. 97-11, § 2, 5-5-97)

#### 13-207.1. Group homes.

If any lawfully existing group home is in violation of section 13-30 and (i) it would be an economic hardship to bring the use into compliance immediately, or (ii) a vested right exists to continue the use, the development services director may, upon request of the owner or at the director's own initiative, establish a reasonable amortization period by the end of which the use must be in compliance. (Ord. No. 00-5, § 1(f), 3-20-00)

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## Costa Mesa Municipal Code

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This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs. (Ord. No. 14-13, § 2, [10-21-2014](#))

**13-311. Special use permit required.**

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

- i. The name, address, phone number and driver's license number of the owner/operator;
- ii. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:
  - a. Every general partner of the partnership,
  - b. Every owner with a controlling interest in the corporation,
  - c. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;
- iii. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;
- iv. The name, address, phone number and driver's license number of the house manager;
- v. A copy of the group home rules and regulations;
- vi. Written intake procedures;
- vii. The relapse policy;
- viii. An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;
- ix. Blank copies of all forms that all residents and potential residents are required to complete; and
- x. A fee for the cost of processing of the application as set by resolution of the city council.

No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

(2) The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven (7) occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.

- (3) The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.
- (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.
- (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
- (6) Occupants must not require and operators must not provide “care and supervision” as those terms are defined by [Health and Safety Code](#) section 1503.5 and section 80001(c)(3) of Title 22, California [Code of Regulations](#).
- (7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
- (8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
- (9) The property must be fully in compliance with all building codes, municipal code and zoning.
- (10) At least forty-eight (48) hours prior to an occupant’s eviction from or involuntary termination of residency in a group home, the operator thereof shall:
  - i. Notify the person designated as the occupant’s emergency contact or contact of record that the occupant will no longer be a resident at the home;
  - ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
  - iii. Notify the city’s Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
  - iv. Provide the information obtained from paragraphs ii and iii of this subsection (a)(10) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant’s signed acknowledgement thereon;
  - v. Provided, however, that if the occupant’s behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (a)(10) as soon as possible.
- (11) Prior to an occupant’s eviction from or involuntary termination of residency in a group home, the operator thereof shall also:
  - i. Make available to the occupant transportation to the address listed on the occupant’s driver license, state-issued identification card, or the permanent address identified in the occupant’s application or referral to the group home;
  - ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.
- (12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(10) and (a)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(11) of this section by providing remuneration to the occupant for the cost of transportation.
- (13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the [Vehicle Code](#), including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- i. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.
- ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
- iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
- iv. The number of occupants subject to the sex offender registration requirements of [Penal Code](#) section 290 does not exceed the limit set forth in [Penal Code](#) section 3003.5 and does not violate the distance provisions set forth in [Penal Code](#) section 3003.
- v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
- vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- vii. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California [Code of Regulations](#): detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(15) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

- i. Any sex offense for which the person is required to register as a sex offender under California [Penal Code](#) section 290 (last ten (10) years);
  - ii. Arson offenses—Violations of [Penal Code](#) Sections 451—455 (last seven (7) years); or
  - iii. Violent felonies, as defined in [Penal Code](#) section 667.5, which involve doing bodily harm to another person (last ten (10) years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:
- i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.
  - ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.
- (7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (a)(10) through (13).
- (8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 13-200.62. (Ord. No. 14-13, § 2, 10-21-14; Ord. No. 17-05, § 2, 5-2-17)

### 13-312. Compliance.

- (a) Existing group homes must apply for a special use permit within ninety (90) days of the effective date of this chapter.
- (b) Group homes that are in existence upon the effective date of this chapter shall have one (1) year from the effective date of this chapter to comply with its provisions, provided that any existing group home, which is serving more than six (6) residents, must first comply with the six-resident maximum.
- (c) Existing group homes obligated by a written lease exceeding one (1) year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 14-13, § 2, 10-21-2014)

### 13-313. Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 14-13, § 2, 10-21-2014)

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**TITLE 13 PLANNING, ZONING AND DEVELOPMENT****CHAPTER XVI. GROUP HOMES IN THE R2-MD, R2-HD AND R3 RESIDENTIAL ZONES AND THE PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, AND PDI (PLANNED DEVELOPMENT ZONES)****13-320. Purpose.**

This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

- (a) Ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations;
- (b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;
- (c) Providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a residential neighborhood; and
- (d) To provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs. (Ord. No. 15-11, § 2, 11-17-15)

**13-321. Definitions.**

*Property.* For purposes of this chapter, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map. (Ord. No. 15-11, § 2, 11-17-15)

**13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.**

- (a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:
  - (1) The application for and operation of the group home complies with subsections (a)(1), (a)(2) and (a)(4) through (a)(14) of section 13-311.
  - (2) The application includes a live scan of the house manager and/or operator of the group home.
  - (3) The group home or sober living home is at least six hundred fifty (650) feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.
- (b) The development services director may issue, revoke or deny a special use permit for a group home including a sober living home subject to this chapter pursuant to the procedures and requirements of section 13-311.
- (c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

**13-323. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w**

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

- (a) The requirements of Chapter III, Planning Applications, of this title have been met.
- (b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least six-hundred fifty (650) feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.
- (c) The applicant obtains an operator's permit as required by Article 23, Chapter 2 of Title 9, except that this requirement shall not apply to any state-licensed residential care facility or state licensed drug and alcohol treatment facility.
- (d) The findings for granting a conditional use permit in accordance with subsection 13-29(g) are met. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

#### **13-324. Compliance.**

- (a) Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants that are in existence upon the effective date of this section may continue to operate subject to the following:
  - (1) A complete application for a special use permit is filed within 90 days of the effective date of this chapter; and
  - (2) The group home is in full compliance with all of the conditions of this chapter within one (1) year of its effective date. Notwithstanding the foregoing, existing group homes obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval.
- (b) Group homes, state licensed residential care facilities and state licensed drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven (7) or more occupants that are in existence upon the effective date of this chapter may continue to operate subject to the following:
  - (1) The operator of a group home obtains an operator's permit pursuant to section 9-372 et seq., within one hundred twenty (120) days from the effective date of this chapter; and
  - (2) The group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility is in full compliance with all conditions of this chapter, including obtaining a conditional use permit, within one (1) year from the effective date of this chapter. Notwithstanding the foregoing, an existing group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 15-11, § 2, 11-17-15)

#### **13-325. Severability.**

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 15-11, § 2, 11-17-15)

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DRAFT

## Costa Mesa Municipal Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[TITLE 9 LICENSES AND BUSINESS REGULATIONS](#)  
[CHAPTER II. REGULATION OF CERTAIN BUSINESSES](#)**ARTICLE 23. GROUP HOMES****9-370. Definitions.**

The definitions set forth in Title 13 of this Code shall apply to the provisions of this article unless otherwise provided for herein. (Ord. No. 15-13, § 1, 11-17-15)

**9-371. Zoning requirements.**

In addition to the requirements of this article, all group homes subject to this article shall comply with the requirements set forth in Chapter XVI of Title 13 of this Code. (Ord. No. 15-13, § 1, 11-17-15)

**9-372. Operator's permit required.**

It is unlawful for any person to operate, or to permit any person to operate, a group home on any property located within the R2-MD, R2-HD, R3, PDR-LD, PDR-MD and/or PDR-HD zone, without a valid permit issued for that group home pursuant to the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

**9-373. Exceptions.**

The requirements of this article shall not apply to:

- (a) A group home that has six (6) or fewer occupants, not counting a house manager, and that is in compliance with the applicable provisions of Chapters XV and XVI of Title 13 of this Code;
- (b) A state licensed alcoholism or drug abuse recovery or treatment facility; or
- (c) A state licensed residential care facility. (Ord. No. 15-13, § 1, 11-17-15)

**9-374. Requirements for issuance of operator's permit.**

- (a) The owner/operator shall submit an application to the director that provides the following information:
  - (1) The name, address, phone number and driver's license number of the owner/operator;
  - (2) If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:
    - i. Every general partner of the partnership;
    - ii. Every owner with a controlling interest in the corporation; and
    - iii. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder.
  - (3) The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;
  - (4) The name, address, phone number and driver's license number of the house manager;
  - (5) A copy of the group home rules and regulations;
  - (6) Written intake procedures;
  - (7) The relapse policy;

- (8) An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;
  - (9) Blank copies of all forms that all residents and potential residents are required to complete; and
  - (10) A fee for the cost of processing of the application as set by resolution of the city council.
- (b) *Requirements for operation of group homes.*
- (1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.
  - (2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
  - (3) Occupants must not require and operators must not provide “care and supervision” as those terms are defined by [Health and Safety Code](#) section 1503.5 and section 80001(c)(3) of Title 22, California [Code of Regulations](#).
  - (4) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
  - (5) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
  - (6) At least forty-eight (48) hours prior to eviction from or involuntary termination of residency in a group home, the operator thereof shall:
    - i. Notify the person designated as the occupant’s emergency contact or contact of record that the occupant will no longer be a resident at the home;
    - ii. Contact the Orange County Health Care Agency OC Links Referral Line or other entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
    - iii. Notify the city’s Network for Homeless Solutions that an occupant is no longer a resident at the home, determine the services available therefrom; and
    - iv. Provide the information obtained from paragraphs ii and iii of this subsection (b)(6) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the city and obtain the occupant’s signed acknowledgement thereon;
    - v. Provided, however, that if the occupant’s behavior results in immediate termination of residency pursuant to rules approved by the city as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (b)(6) as soon as possible.
  - (7) Prior to an occupant’s eviction from or involuntary termination of residency in a group home, the operator thereof shall also:
    - i. Make available to the occupant transportation to the address listed on the occupant’s driver license, state issued identification card, or the permanent address identified in the occupant’s application or referral to the group home;
    - ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.
  - (8) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(6) and (a)(7) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(7) by providing remuneration to the occupant for the cost of transportation.

- (9) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the [Vehicle Code](#), including, but not limited to, those provisions regulating licensure and parking, standing and stopping.
- (10) The property must be fully in compliance with all building codes, municipal code and zoning.
- (11) In addition to the regulations outlined above, the following shall also apply to sober living homes:
- i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
  - ii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
  - iii. The number of occupants subject to the sex offender registration requirements of [Penal Code](#) section 290 does not exceed the limit set forth in [Penal Code](#) section 3003.5 and does not violate the distance provisions set forth in [Penal Code](#) section 3003.
  - iv. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
  - v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
  - vi. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California [Code of Regulations](#): detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.
- (c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Article 15 of Chapter IX of Title 13 of this Code.
- (d) The operator's permit shall be issued by the director if the applicant is in compliance, or, where applicable, has agreed to comply, with the requirements of subsections (a) and (b) above.
- (e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:
- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
  - (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
  - (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:
    - i. Any sex offense for which the person is required to register as a sex offender under California [Penal Code](#) section 290 (last ten (10) years);

- ii. Arson offenses—Violations of [Penal Code](#) Sections 451—455 (last seven (7) years); or
  - iii. Violent felonies, as defined in [Penal Code](#) section 667.5, which involve doing bodily harm to another person (last ten (10) years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not disabled or handicapped as defined by the FHAA and FEHA.
- (6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:
- i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - ii. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations. (Ord. No. 15-13, § 1, 11-17-15; Ord. 17-06, § 1, 5-2-17)

#### **9-375. Transfer of operator's permit.**

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- (a) An operator's permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the director pursuant to the requirements of section 9-374.
- (b) An operator's permit may not be transferred to any other person or entity. No operator's permit issued pursuant to this article shall be transferred or assigned or authorize any person or entity other than the person or entity named in the permit to operate the group home named therein. (Ord. No. 15-13, § 1, 11-17-15)

#### **9-376. Revocation of operator's permit.**

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An operator's permit may be revoked upon a hearing by the director pursuant to section 9-120 for failing to comply with the terms of the permit and/or for failing to comply with the applicable provisions of section 9-374. (Ord. No. 15-13, § 1, 11-17-15)

#### **9-377. Reapplication after denial or revocation.**

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- (a) An applicant for an operator's permit whose application for such an operator's permit has been denied may not reapply for such an operator's permit for a period of six (6) months from the date such notice of denial was issued.
- (b) A holder of an operator's permit that has been cancelled, revoked or otherwise invalidated may not reapply for an operator's or a user's permit for a period of six (6) months from the date that such revocation, cancellation or invalidation became final. (Ord. No. 15-13, § 1, 11-17-15)

#### **9-378. Compliance.**

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A group home that is subject to the provisions of this article that is in existence as of the effective date of this ordinance shall have one hundred twenty (120) days to comply with the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

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TABLE 2

***City's SmartSheets: Summary of code enforcement citations issued between 2016 and June 2019  
that list violation as CMMC §§ 13-311 (R1 regulations) or 13-323 (MFD regulations)***

Year	Doc No.	Total Code Enforcement Citations Issued for all Code Violations	Code Enforcement Citations for Violation of Zoning Chapter XVI (13-323)	Code Enforcement Citations for Violation of Zoning Chapter XV (13-311)	Code Enforcement Citation for Violation of Zoning Chapter XVI (13-323) + XV (13-311)	Zoning Chapter XVI (13-323) Citations as Percent of Total Citations	Zoning Chapter XVI (13-323) + XV (13-311) Citations as Percent of Total Citations
2016	1107	454	16	29	16+29= 45	29/454= 6%	45/454= 10%
2017	1108	204	12	3	12+3= 15	12/204= 6%	15/204= 7%
2018	1109	455	131	41	131+41= 172	131/455= 29%	172/455= 38%
2019 (to 06/13/19)	1110	171	30	5	30+5= 35	30/171= 18%	35/171= 20%

**From:** Melissa Goodman <melissa.goodmon@casacaprirecovery.com>  
**Sent:** Wednesday, September 15, 2021 4:59 PM  
**To:** Housing Element; Compliancereview@hcd.ca.gov  
**Cc:** dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org  
**Subject:** Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029  
**Attachments:** Table 1 - Evolution of City's RA regulations[93].pdf

To whom it may concern:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-28 and 3-29, the Public Review Draft (August 2021) discusses the City's Reasonable Accommodation (RA) procedures as part of its discussion about removing constraints on housing for disabled persons. The City's discussion regarding its reasonable accommodation procedure is misleading. In fact, the City's RA procedures, standards and processes violate state fair housing rights. By failing to address the inadequacy of the City's RA procedures, the City's housing element fails to address the removal of constraints to housing for disabled persons.

The City has amended its RA procedures twice since 2014 for the purpose of making it impossible for any Supportive Housing for disabled persons (classified as Group Homes by the City) to obtain the protection afforded to them by federal and state fair housing laws.

In 2014, the City enacted Ordinance 14-13, which outlawed any existing or future Supportive Housing for disabled persons in the City's R-1 zoning districts unless permitted by the City. (The City extended that prohibition against Supportive Housing to its Multifamily Zoning districts the next year with the adoption of Ordinance 15-11. These regulations are codified in the City's Zoning Code Chapters XV and XVI.)

In the *very same ordinance* that first imposed these discriminatory zoning regulations, Ordinance 14-13, the City *simultaneously* amended its RA regulations, making it impossible for any Supportive Housing provider providing shelter to disabled persons to obtain relief from Ordinance 14-13's discriminatory provisions. (The City amended its RA provisions a second time in 2017.) The changes in the City's RA regulations are reflected in the attached Table 1. The City amended its RA regulations to preclude Supportive Housing for disabled persons (aka Group Homes) from obtaining any relief from the City's discriminatory zoning regulations.

The amended RA regulations had their intended effect: RA applications are determined by the City's Development Services Director. Since 2014, the Director has received nearly 50 RA applications from Supportive Housing providers seeking exception to Zoning Code Chapters XV (Ordinance 14-13) and XVI (Ordinance 15-11). From that stack, the Director has granted only two. The first was an application that he originally denied, reversing that denial only after the applicant sued the City for violation of fair housing laws. The second was styled as an RA decision, but was mislabeled since it made no actual request for an exception of any zoning regulation.

Most RA applications submitted by Supportive Housing providers (Group Homes) seek relief from the separation requirement between the applicant's location and any other facility serving or housing disabled persons. If the applicant falls short of the mandatory separation distance, then its application for an SUP or CUP is denied without exception.

The Director's determinations of 22 RA applications submitted by Supportive Housing providers subject to Zoning Code Chapter XVI (CMMC 12-323) demonstrate the violations of state fair housing laws committed by the City, an obvious constraint to housing for disabled persons not addressed in the Draft Housing Element. A copy of each Director's RA decision is attached.

In each of these RA decisions (save two), the Director uniformly imposes an unlawful standard on determining whether an RA is necessary:

The application established that the waiver of the separation requirement would allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of these dwellings. However, approval of the request is not necessary to allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of a dwelling within the City.

The two exceptions are PA-16-03, which did not seek an RA and PA16-06 which failed to identify the RA requested.

Of the 20 RA applications denied by the Director, each denial was the result of City practices that violate fair housing laws. First, the City's RA regulation requires each of eight findings must be made for an RA to be granted. This requirement violates state law since it put the burden of showing no fundamental alternation on the applicant, not the City. That error, couple with the City's misapplication of the standard to show "necessity" under FEHA, are among the greatest constraints to housing for the disabled in Costa Mesa.

The City's Draft Housing Element fails to address this significant constraint on the provision of housing for persons with disabilities and reflect a failure to identify impediments to affirmatively furthering fair housing.

Sincerely,  
Melissa H. Goodman

***Additional attachments can be found in this Dropbox link due to its size it can't be part of the attachment;***

[https://www.dropbox.com/s/iuwkwrthabgi9tb/RA decision re CMMC 13-323.pdf?dl=0](https://www.dropbox.com/s/iuwkwrthabgi9tb/RA%20decision%20re%20CMMC%2013-323.pdf?dl=0)

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## ***City's Required Findings for Granting Reasonable Accommodation, 2009-Current***

<b>2009-2014: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 09-02, CMMC 13-200.62, enacted 03/03/2009</b>	<b>2014-2017: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 14-13, enacted 10/21/2014, adding CMMC 13-200.62(f): <i>"Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval."</i></b>	<b>2017-Current: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 17-05, enacted 05/02/2017, amending CMMC 13-200.62(f): <i>"Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval."</i></b>
None.	(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.	(1) The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under the fair housing laws.
	(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.	(2) The requested accommodation is necessary to provide one (1) or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.
	(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.	<del>(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.</del> (4) <u>The requested accommodation is consistent with surrounding uses in scale and intensity of use.</u>
	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
	(6) Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.	(6) <u>If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.</u>
	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
	(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.	(8) The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program.

**From:** Paul Alexander <paulalexander7@yahoo.com>  
**Sent:** Wednesday, September 15, 2021 2:38 PM  
**To:** Housing Element; Compliancereview@hcd.ca.gov  
**Cc:** dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org  
**Subject:** Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029  
**Attachments:** Group Home Activity Summary .pdf; second attachment.pdf; Third attachment.pdf

Dear Sir or Madam:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-19, the Public Review Draft (August 2021) discusses the City's definitions of Supportive Housing and Transitional Housing, definitions that the State required the City to enact. The City's discussion regarding these definitions is misleading and incomplete.

Although the City enacted these definitions, it has failed or refused to apply them to any residential use in the City in order to circumvent the state-law protective afforded Supportive Housing. Instead, the City uniformly classifies any Supportive Housing for disabled persons as a Group Home: Group Home: A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Once Supportive Housing is classified by the City as a Group Home, the City then subjects the Supportive Housing to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI. These chapters prohibit existing and future Supportive Housing in any residential district in Costa Mesa unless the Supportive Housing obtains a Special Use Permit or a Conditional Use Permit and an Operator's Permit.

While many of Costa Mesa's Supportive Housing providers have applied for SUPs or CUPs pursuant to the City's Zoning Code Chapters XV and XVI, the City has denied the vast majority of those applications. As a result, since 2014 the City has forced the closure of more than 80% of the existing Supportive Housing in Costa Mesa, a fact that the City publicizes on its public website.

I have attached pages from the City's website reflecting the effect of its discriminatory regulation of Supportive Housing. (Note: The attached webpage entitled Group Home Activity Summary indicates that the City has approved six CUPs for Supportive Housing. That statement is misleading, since five of those CUPs were issued in the 1980s and 1990s before the City enacted its discriminatory zoning requirements.)

Thank you for your consideration.

Paul

## Group Home Activity Summary

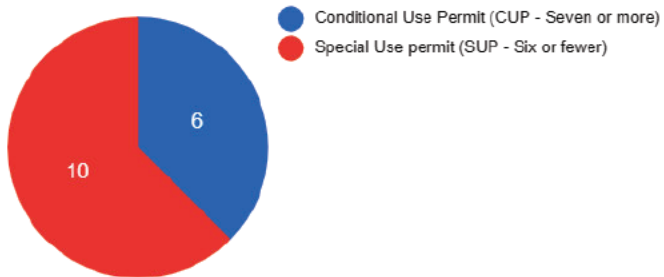
### City Approved Applications

16

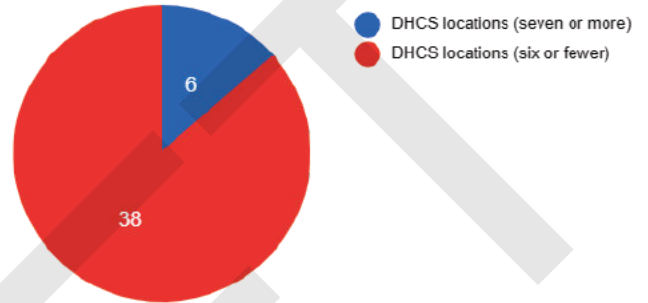
### State DHCS Approved locations within City limits

44

### Breakdown of Type of City Approved Application

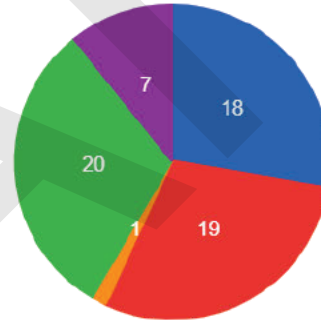


### Breakdown of Type of State Approved Application



### Additional City Application Information

- Denied Conditional Use Permit (CUP - Seven or more)
- Denied Special Use permit (SUP - Six or fewer)
- Applications on appeal
- Withdrawn applications
- Pending applications



## Code Enforcement Activity

### Locations Under Review for Compliance

30

### Citations Issued

227

### Closed Facilities

82

# Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations

smartsheet

	Street Name	Street No.	Program Name	Beds
1	16th Place	413	Clean Path Recovery	6
2	16th Place		Reflections Recovery Center	6
3	16th Place	491	South Coast Behavioral Health	6
4	18th Street W	777	777 House	12
5	18th Street W	679	Discovery House	6
6	18th Street W	685	Discovery House	78
7	19th Street E	177	Agape House	6
8	Alder Lane	2527	New Family Solutions	6
9	Anaheim	2216	Playa House	Unknown
10	Anaheim Avenue	1769	Morning Side Recovery	6
11	Anaheim Avenue	2216	Playa House	Unknown
12	Arbor Street	973	Solid Landings	6
13	Augusta	1180	Hampton	Unknown
14	Babb Street	2959	Unknown	10
15	Bay St	431		Unknown
16	Boston Way	3145	Solid Landings	15
17	Bowling Green	273	Solid landings	6
18	Briar Rose	1631	Monarch Recovery	6
19	Cabrillo Street	218	Sober Sanctuaries, Inc.	12
20	Canadian Drive	3159	Clean Path Recovery	6
21	Cassia Avenue	3107	Rock Solid	22
22	Charleston St	1143	Solid Landings	8
23	Charleston St	1174	Solid Landings	6
24	Cheyenne Street	1055	Solid Landings	6
25	Conway	1252	Solid Landings	6
26	Coolidge Avenue	3004	Clean Path Recovery	6
27	Coolidge Avenue	3004	Solid Landings	18
28	Dahlia Avenue	924	Solid Landings	6
29	Darrel	871	Solid Landings	6
30	Doctors Circle	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	<i>E. 18th St</i>	166	Casa Capri	Unknown
32	<i>Flower</i>	268		Unknown
33	<i>Gisler Avenue</i>	1811	Solid Landings	6
34	<i>Grant Avenue</i>	3044	Solid Landings	6
35	<i>Hamilton Street</i>	394	Solid Landings	6
36	<i>Hamilton Street</i>	396		Unknown
37	<i>Hamilton Street</i>	382	Solid Landings	Unknown
38	<i>Harbor Boulevard, Unit</i>	2374	Strong Woman	Unknown
39	<i>Iowa Street</i>	1804	Lotus Place Recovery	6
40	<i>Joann Street</i>	574		Unknown
41	<i>Joann Street</i>	578		Unknown
42	<i>La Salle</i>	2829		Unknown
43	<i>La Salle Avenue</i>	2869	OC Recovery	Unknown
44	<i>La Salle Avenue</i>	2829	Solid Landings	6
45	<i>Marseilles Way</i>	2450	Lotus Recovery	Unknown
46	<i>Marseilles Way</i>	2450		Unknown
47	<i>Mendoza Avenue</i>	2869	Clean Path Recovery	Unknown
48	<i>Meyer Pl</i>	2012	Unknown	Unknown
49	<i>Monte Vista Avenue</i>	291	Unknown	6
50	<i>Monterey Avenue</i>	2822	Solid Landings	6
51	<i>Nebraska Place</i>	3238	Healing Path	4
52	<i>Olympic Ave</i>	13741	Unknown	Unknown
53	<i>Olympic Avenue</i>	13741	Solid Landings	6
54	<i>Orange Avenue</i>	1513	Hotel California by the Sea	6
55	<i>Orange Avenue</i>	1775	Morning Side Recovery	12
56	<i>Orange Avenue</i>	1965	Solid Landings	6
57	<i>Orange Avenue Unit A</i>	2379	Balboa Horizons	Unknown
58	<i>Orange Avenue Unit B &amp;</i>	2379	Balboa Horizons	Unknown
59	<i>Pamela Ln</i>	2264	The Book House	16
60	<i>Paularino Ave</i>	959	Playa House	6
61	<i>Paularino Avenue</i>	778	Agape House	6
62	<i>Placentia Ave., Unit B</i>	2190		Unknown
63	<i>Placentia Avenue</i>	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	<i>Plumer Street</i>	697	Pillars Recovery	15
65	<i>Plumer Street</i>	697	Solid landings	15
66	<i>Plumeria Place</i>	3465	Mainstay Recovery	6
67	<i>Pomona Avenue</i>	1827	Clean Path Recovery	13
68	<i>Pomona Avenue</i>	2220	Safe Harbor Treatment Center For Women	6
69	<i>Raleigh Avenue</i>	2186	Agape House	6
70	<i>Republic Avenue</i>	2131	Sam's House	6
71	<i>San Bernardino</i>	1589	Ohio House	7
72	<i>San Bernardino</i>	1578	Ohio House	8
73	<i>Sturgeon Dr</i>	506	Time 2 Care llc	6
74	<i>Trinity Drive</i>	3066	Camilla's Recovery	6
75	<i>Valencia Street</i>	1009	Morning Side	24
76	<i>Velasco Lane</i>	2866	Easy Way Out LLC	Unknown
77	<i>Victoria St.</i>	357	Windward Way	Unknown
78	<i>Victoria St.</i>	351	Windward Way	Unknown
79	<i>Victoria Street</i>	310	Sober Partners	24
80	<i>Victoria Street</i>	310	Sober Partners Project	Unknown
81	<i>Virginia Place</i>	132	Sober Living House	6
82	<i>W. Bay Street</i>	431	California Prime Recovery	Unknown
83	<i>Walnut</i>	271	Solid Landings	6

# Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION	ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1		10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2		10/04/16	16th Pl.	4134	40884	Flower	Cypress
3		06/01/16	18th E.	116	41475	Grant	Sherry
4		04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5		04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6		04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7		04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8		03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9		03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10		03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11		03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12		03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13		03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14		02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15		02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16		02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17		02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18		02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19		02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20		10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21		10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22		11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23		11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24		11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25		11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26		12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27		12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28		02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29		11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30		10/13/16	21st E	175	41560	Norwood	Kenneth
31		07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32		07/20/16	23rd	160	41654	LLC	DZ
33		07/21/16	23rd	165	41655	Garden LLC	Aunties
34		07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	\$2,100.00
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 ( e )	600
20-12 (ii), 13-323, 13-26, 13-93 ( e )	600
13-323, 13-26, 20-12 (ii), 13-93 ( e )	600
13-323, 13-26, 20-12 (ii), 13-93 ( e )	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 ( e ), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 ( e )	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(II)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(II)	900
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(II)	1500
9-372, 13-26, 20-12(II)	900
9-372, 13-26, 2012(II)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjornad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (II)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(II)	750
9-372, 13-26, 20-12(II)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 21-12(II)	1500
13-26, 13-311, 2012(II)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(II)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(II)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia PI	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia PI	175	40734	Equities LLC	Norah
289	03/13/19	Virginia PI	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia PI	175	40726	Equities LLC	Norah
291	02/05/19	Virginia PI	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia PI	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(II)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(II)	900
13-26, 9-372, 20-12 (II)	900
13-26, 9-372, 20-12(II)	1500
9-372, 13-26, 20-12(II)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(II)	2000

**From:** Jason Brewer <jabrewer376@gmail.com>  
**Sent:** Thursday, September 16, 2021 1:33 PM  
**To:** Housing Element; Compliancereview@hcd.ca.gov  
**Cc:** dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org  
**Subject:** Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029  
**Attachments:** Table 1.pdf; Table 2.pdf; Table 3.pdf

Greetings,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmatively Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 65583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by the City).

The City's Draft Housing Element is grossly inadequate because it fails to address the greatest source of housing discrimination in Costa Mesa: The City of Costa Mesa itself.

Nowhere does the Draft Housing Element address the effect of the City's discriminatory zoning regulations against Group Homes (i.e., Supportive Housing for persons with disabilities.)

If Supportive Housing provides housing to persons with disabilities, then the City defines and classifies that residential use as a "Group Home":

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

The definition of Group Home includes Sober Living Homes, which are defined as:

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Since the City's last Housing Element in 2013, the City has engaged in a pattern or practice of discrimination against Supportive Housing, specifically, Group Homes and Sober Living Homes.

Attached to this email is a chart that illustrate the effect of the City's discrimination against Group Homes. It shows that even though Group Homes make up an infinitesimal percentage of the total number of dwellings in Costa Mesa, the City's discriminatory zoning practices have further reduced the number of housing opportunities for persons with disabilities.

No new Group Homes have opened in the City since 2015 following the City adoption of Ordinance 14-13 (enacting Zoning Code Chapter XV) and Ordinance 15-11 (enacting Zoning Code Chapter XVI).

The City acknowledges in public records that as of in 2017, there were only existing 99 Group Homes in Costa Mesa, comprising 0.002% of the total number of dwellings in Costa Mesa (42,867). (See Table 1 attached to this email.)

Each of those 99 Group Homes was subject to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI, which prohibited each of the 99 Group Homes to continue providing housing to disabled persons unless they obtained a permit.

Of the 99 Group Homes, 76 homes applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI. The others quit the process as futile in light of the City's unwavering policy of discrimination.

Of the 76 Group Homes that applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI, the City granted by 2019 only 14 permits, the remainder were denied by the City or abandoned the application process as futile. The last permit granted was in 2019; no new applications for permits have been submit because the City's policy of discrimination deters person seeking to provide Supportive Housing to persons with disabilities.

Group Homes without permits are subject to citation, criminal prosecution and civil abatement by the City. The City has aggressively cited Group Homes that provide housing to disabled persons but lack a City-issued permit. (See Tables 2 and 3 attached to his email.)

To date, the City has also sued 11 Supportive Housing providers as a “public nuisance” solely on the basis that each provides Supportive Housing to persons with disabilities but lacks a City-issued permit pursuant to Zoning Code Chapter XV or Chapter XVI.

Under the City’s Zoning Code the only zoning district in which Group Homes are permit of right is the Institutional and Recreational district, which is expressly reserved for non-residential uses. (CMMC 13-30 Table: Land Use Matrix.)

The complete failure of the City’s Housing Element, 2021-2029 (Public Review Draft) to discuss – let alone address -- the City’s pattern or practice of zoning discrimination not only offends Government Code § 65008, but utterly fails to meeting the statutory requirements pursuant to Government Code § 65583(c)(10) regarding the City’s compliance with Government Code § 8899.50(a)(1)

(“affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity . . . fostering and maintaining compliance with civil rights and fair housing laws.”)

Thank you for your consideration.

Jason Brewer

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## Application of City's Regulation of Group Homes, Zoning Code Chapters XV and XVI

<b>2010:</b> <b>42,867</b> Dwellings in Costa Mesa	<b>2017:</b> <b>99</b> Sober Living Homes in Costa Mesa	<b>2018:</b> <b>76</b> Applications submitted by unlicensed and licensed Sober Living homes subject Zoning Code Chapters XV (14-13) or XVI (15- 11)	<b>2018:</b> <b>13</b> Permits Granted under Zoning Code Chapters XV (14-13) or XVI (15-11)	<b>2019:</b> <b>14</b> Permits Granted under Code Chapters XV (14-13) or XVI (15-11)
Total for 2010: 42,867 dwellings	“Based on the most recent data compiled by City staff, there are approximately 99 sober living homes within Costa Mesa. Of these, 38 are located in single-family neighborhoods and 61 are within multi-family residential zones.”	“The City has received applications for 65 sober living homes and 11 licensed treatment facilities that are subject to compliance with Ordinance Nos. 14-13 and 15-11.”	“Twelve (12) sober living homes serving six or fewer residents have been approved by the City, and one sober living home serving 13 men has been approved.”	“Twelve sober living homes serving six or fewer residents have been approved by the City, and two sober living homes serving seven or more residents have been approved by the City.”
(City Housing Element, 2013- 2021, CityGP 248)	(City PCAR, 08/28/2017, City 12946; City PCAR, 08/28/2017, City 12748)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCAR, 02/11/2019, City 13504)
<b>42,867</b>	<b>99/42,867 = 0.002%</b>	<b>76/99 = 77%</b>	<ul style="list-style-type: none"> <li>• <b>13/76 = 17%</b></li> <li>• <b>13/99 = 13%</b></li> <li>• <b>13/42,867 = 0.0003%</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>14/76 = 18%</b></li> <li>• <b>14/99 = 14%</b></li> <li>• <b>14/42,867 = 0.0003%</b></li> </ul>

# Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION	ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1		10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2		10/04/16	16th Pl.	4134	40884	Flower	Cypress
3		06/01/16	18th E.	116	41475	Grant	Sherry
4		04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5		04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6		04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7		04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8		03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9		03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10		03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11		03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12		03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13		03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14		02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15		02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16		02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17		02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18		02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19		02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20		10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21		10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22		11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23		11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24		11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25		11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26		12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27		12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28		02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29		11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30		10/13/16	21st E	175	41560	Norwood	Kenneth
31		07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32		07/20/16	23rd	160	41654	LLC	DZ
33		07/21/16	23rd	165	41655	Garden LLC	Aunties
34		07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	\$2,100.00
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 ( e )	600
20-12 (ii), 13-323, 13-26, 13-93 ( e )	600
13-323, 13-26, 20-12 (ii), 13-93 ( e )	600
13-323, 13-26, 20-12 (ii), 13-93 ( e )	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 ( e ), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 ( e )	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(II)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(II)	900
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(II)	1500
9-372, 13-26, 20-12(II)	900
9-372, 13-26, 2012(II)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjornmad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (II)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(II)	750
9-372, 13-26, 20-12(II)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 21-12(II)	1500
13-26, 13-311, 2012(II)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(II)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(II)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia PI	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia PI	175	40734	Equities LLC	Norah
289	03/13/19	Virginia PI	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia PI	175	40726	Equities LLC	Norah
291	02/05/19	Virginia PI	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia PI	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(II)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(II)	900
13-26, 9-372, 20-12 (II)	900
13-26, 9-372, 20-12(II)	1500
9-372, 13-26, 20-12(II)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(II)	2000

# Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations

smartsheet

	Street Name	Street No.	Program Name	Beds
1	16th Place	413	Clean Path Recovery	6
2	16th Place		Reflections Recovery Center	6
3	16th Place	491	South Coast Behavioral Health	6
4	18th Street W	777	777 House	12
5	18th Street W	679	Discovery House	6
6	18th Street W	685	Discovery House	78
7	19th Street E	177	Agape House	6
8	Alder Lane	2527	New Family Solutions	6
9	Anaheim	2216	Playa House	Unknown
10	Anaheim Avenue	1769	Morning Side Recovery	6
11	Anaheim Avenue	2216	Playa House	Unknown
12	Arbor Street	973	Solid Landings	6
13	Augusta	1180	Hampton	Unknown
14	Babb Street	2959	Unknown	10
15	Bay St	431		Unknown
16	Boston Way	3145	Solid Landings	15
17	Bowling Green	273	Solid landings	6
18	Briar Rose	1631	Monarch Recovery	6
19	Cabrillo Street	218	Sober Sanctuaries, Inc.	12
20	Canadian Drive	3159	Clean Path Recovery	6
21	Cassia Avenue	3107	Rock Solid	22
22	Charleston St	1143	Solid Landings	8
23	Charleston St	1174	Solid Landings	6
24	Cheyenne Street	1055	Solid Landings	6
25	Conway	1252	Solid Landings	6
26	Coolidge Avenue	3004	Clean Path Recovery	6
27	Coolidge Avenue	3004	Solid Landings	18
28	Dahlia Avenue	924	Solid Landings	6
29	Darrel	871	Solid Landings	6
30	Doctors Circle	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	<i>E. 18th St</i>	166	Casa Capri	Unknown
32	<i>Flower</i>	268		Unknown
33	<i>Gisler Avenue</i>	1811	Solid Landings	6
34	<i>Grant Avenue</i>	3044	Solid Landings	6
35	<i>Hamilton Street</i>	394	Solid Landings	6
36	<i>Hamilton Street</i>	396		Unknown
37	<i>Hamilton Street</i>	382	Solid Landings	Unknown
38	<i>Harbor Boulevard, Unit</i>	2374	Strong Woman	Unknown
39	<i>Iowa Street</i>	1804	Lotus Place Recovery	6
40	<i>Joann Street</i>	574		Unknown
41	<i>Joann Street</i>	578		Unknown
42	<i>La Salle</i>	2829		Unknown
43	<i>La Salle Avenue</i>	2869	OC Recovery	Unknown
44	<i>La Salle Avenue</i>	2829	Solid Landings	6
45	<i>Marseilles Way</i>	2450	Lotus Recovery	Unknown
46	<i>Marseilles Way</i>	2450		Unknown
47	<i>Mendoza Avenue</i>	2869	Clean Path Recovery	Unknown
48	<i>Meyer Pl</i>	2012	Unknown	Unknown
49	<i>Monte Vista Avenue</i>	291	Unknown	6
50	<i>Monterey Avenue</i>	2822	Solid Landings	6
51	<i>Nebraska Place</i>	3238	Healing Path	4
52	<i>Olympic Ave</i>	13741	Unknown	Unknown
53	<i>Olympic Avenue</i>	13741	Solid Landings	6
54	<i>Orange Avenue</i>	1513	Hotel California by the Sea	6
55	<i>Orange Avenue</i>	1775	Morning Side Recovery	12
56	<i>Orange Avenue</i>	1965	Solid Landings	6
57	<i>Orange Avenue Unit A</i>	2379	Balboa Horizons	Unknown
58	<i>Orange Avenue Unit B &amp;</i>	2379	Balboa Horizons	Unknown
59	<i>Pamela Ln</i>	2264	The Book House	16
60	<i>Paularino Ave</i>	959	Playa House	6
61	<i>Paularino Avenue</i>	778	Agape House	6
62	<i>Placentia Ave., Unit B</i>	2190		Unknown
63	<i>Placentia Avenue</i>	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	<i>Plumer Street</i>	697	Pillars Recovery	15
65	<i>Plumer Street</i>	697	Solid landings	15
66	<i>Plumeria Place</i>	3465	Mainstay Recovery	6
67	<i>Pomona Avenue</i>	1827	Clean Path Recovery	13
68	<i>Pomona Avenue</i>	2220	Safe Harbor Treatment Center For Women	6
69	<i>Raleigh Avenue</i>	2186	Agape House	6
70	<i>Republic Avenue</i>	2131	Sam's House	6
71	<i>San Bernardino</i>	1589	Ohio House	7
72	<i>San Bernardino</i>	1578	Ohio House	8
73	<i>Sturgeon Dr</i>	506	Time 2 Care llc	6
74	<i>Trinity Drive</i>	3066	Camilla's Recovery	6
75	<i>Valencia Street</i>	1009	Morning Side	24
76	<i>Velasco Lane</i>	2866	Easy Way Out LLC	Unknown
77	<i>Victoria St.</i>	357	Windward Way	Unknown
78	<i>Victoria St.</i>	351	Windward Way	Unknown
79	<i>Victoria Street</i>	310	Sober Partners	24
80	<i>Victoria Street</i>	310	Sober Partners Project	Unknown
81	<i>Virginia Place</i>	132	Sober Living House	6
82	<i>W. Bay Street</i>	431	California Prime Recovery	Unknown
83	<i>Walnut</i>	271	Solid Landings	6

## ARIOS, JUSTIN

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**From:** Keith Randle <kbrandle@yahoo.com>  
**Sent:** Monday, September 20, 2021 1:53 PM  
**To:** shannan.west@hcd.ca.gov; marisa.prasse@hcd.ca.gov; robin.huntley@hcd.ca.gov; compliancereview@hcd.ca.gov; Garrett M. Prybylo; Isaac R. Zfaty; Housing Element; MHAssistance@hcd.ca.gov; MRLComplaint@hcd.ca.gov; Keith Randle  
**Subject:** Formal Complaint of Discrimination by the City of Costa Mesa California Code 65000 et.al.  
**Attachments:** HCD Discrimination Complaint City of Costa Mesa \_000163.pdf; HCD letter to City of Anaheim\_000165.pdf; HCD City of Costa Mesa Resolution NO 18-16\_000157.pdf; HCD City of Costa Mesa Conditionals of approval\_000158.pdf; HCD City of Costa Mesa Letter dasted July 20 2018 from Sheri Vander Dussen\_000159.pdf; HCD City of Costa Mesa Letter dasted August 7th From Fidel Gamboa with operatort permit application\_000160.pdf; HCD City of Costa Mesa Letter datted September 9, 2021 from Sheri Vander Dussen re operators permitt\_000162.pdf

OShannan  
I am sending this formal compliant (attached) against the City of Costa Mesa. The City is violating California Code 65000 [et.al](#), including 65008, 65580 and 65585  
Time is of the essence. I ask you to review the attachments and that you send a cease and desist letter, similar to the one you sent to the cities of Anaheim (attached) and Encinitas earlier this year. I also request that you put a halt to the issuing of Costa Mesa's Housing Element.  
I will also send you a hard copy to you at:  
2020 W El Camino Ave, Suite 500 Sacramento Ca. 95833. If you have a different mailing address let me know.  
Please acknowledge receipt of this email to kbrandle@yahoo.com  
I appreciate you looking into this matter.  
Keith Randle  
<http://www.summitcoastalliving.com>  
949 689-8880  
2100 Highland Drive  
Newport Beach Ca 92660

There are 7 attachments

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.



# Summit Coastal Living

*a sober community of living*

September 20, 2021

Shannan West,

Land Use and Planning Unit Chief

Department of Housing and Community Development

• 2020 W El Camino Ave, Suite 500

Sacramento, CA 95833

Dear Shanna West,

I am writing you to report a violation of California's Planning and Zoning Law (Gov. Code 65000 et al) by the City of Costa Mesa. I own and operate sober living homes, located in Costa Mesa, CA. Both of the locations have approved conditional use permits. Both are similar in lot and livable square footage. Both have been approved by the city, with conditions that violate California's Planning and Zoning Law, specifically Gov. Code 65000 et al. The property at 2041 Tustin Avenue, Costa Mesa, has conditions that are more discriminatory than the property at 165 East Wilson Street, also in Costa Mesa. I feel my property rights have been violated.

I went through a long process to be compliant with the City of Costa Mesa (**Ordinance PA-16-04**), including multiple planning commission hearings, and appeals to the city council on the property I own at 2041 Tustin Ave, Costa Mesa. It is a legal triplex comprising of a 3 bedroom and 2, 2-bedroom • apartments. A total of 7 bedrooms.

I have attached a copy of the conditions of approval for 2041 Tustin Ave, Costa Mesa, CA.

Although all of the 30 conditions treat me differently than my neighbors, I am most concerned about the following 6 conditions outlined in the **Condition of Approval Exhibit B Resolution No 18-16 pages 8-12**, which are highly discriminatory; they also violate the City's Housing element in effect at the time of approval, and I believe Fair Housing Laws.

Condition 2: ***The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.*** My neighbors, who have the same triplex units as I do, have no such restrictions placed on them and have the same number of residents as I do in some of the units. I have had 13 residents in the three unit since October, 2013. Additionally the number of residents residing in each of the three units at the property are less than the number allowed pursuant to the city of Costa Mesa's housing element.

Condition 7. **All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and /or on the street withing 500 feet of the property.** No residential property owner in Costa Mesa has such restrictions.

Condition 15: **The applicant shall provide neighbors with the telephone number of the on-site manager or property owner, for the purpose of allowing the neighbors to lodge complaints or describe concerns about the operation of the property.** My neighbors are not required to give me their names and numbers. This is a leading statement encouraging neighbors to file complaints. By the way I have never had a complaint filed with the city or its services since operation began in 2013.

Condition 17. **The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property.** Again, none of my neighbors and/or property owners in Costa Mesa have this condition on their property.

Condition 27. **All parking spaces, including those within garages shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.** Again, my neighbors do not have this condition placed on their properties. My neighbors' garages are all used for personal storage. The majority do not park in their garages.

### **And the most discriminatory condition of all:**

Condition 29. **No more than two residents living in the facility at any one time shall have a domicile outside the state of California.** This condition is violation of Federal and State housing Laws. I am a real estate Broker in the State of California. If I were to enforce such a condition I would be in violation of discrimination and my broker's license could be revoked and subject to litigation, not to mention my loss of livelihood for me and my family.

I am appealing to you to submit a similar letter to the City of Costa Mesa as you have this year to the Cities of Anaheim (attached) and Encinitas.

• The City, like others in the area, are going through the "Housing Element" approval process. I do not see how Costa Mesa's housing element can be approved by the State when they have not been adhering to their current housing element and State laws, not to mention being in the process of renewing their Housing element. **The City of Costa Mesa is discriminating against me and my residents and treating me differently than my neighbors a violation of California's Planning and Zoning Law (Gov.Code Section 65000 et.al) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code Section 65008**

I need help ASAP. There is a housing shortage and a high degree of homelessness in the state. I offer a safe and sober environment for people in recovery to better their lives.

Please direct any communication to me via email, [kbrandle@yahoo.com](mailto:kbrandle@yahoo.com) and / or my mailing address 2100 Highland Drive, Newport Beach CA, 92660.

Please call me to discuss as time is of the essence. 949 689-8880

With kind regards,



Keith Randle

Summit Coastal Living

[www.summitcoastalliving.com](http://www.summitcoastalliving.com)

Cc Marisa Prasse, Robin Huntley, Garrett Prybylo, Isaac Zafaty, Keith Randle

[compliancereview@hcd.ca.gov](mailto:compliancereview@hcd.ca.gov)

[housing-element@costamesaca.gov](mailto:housing-element@costamesaca.gov)

Attachments:

State of California Department of Housing letter from Shannan West to Niki Wetzel, Deputy Director City of Anaheim dated May 3 2021.

City of Costa Mesa Resolution No.18-16 pages 1-7.

City of Costa Mesa Exhibit B : Conditions of Approval pages 8-12.

• City of Costa Mesa letter to Keith Randle Subject Conditional Use Permit dated July 20,2018.

Email From Fidel Gamboa, City of Costa Mesa Community improvement manager.

City of Costa Mesa Letter from Sheri Vanderdussen to Keith randle Date September 9<sup>th</sup> 2021.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



May 3, 2021

Niki Wetzel, Deputy Director  
Planning and Services Division  
Planning and Building Department  
City of Anaheim  
200 S. Anaheim Boulevard, Suite 162  
Anaheim, CA 92805

**RE: City of Anaheim Approach to Community Care Facilities and Sober Living Homes – Letter of Technical Assistance**

Dear Niki Wetzel:

The California Department of Housing and Community Development (HCD) has reviewed the City of Anaheim's (City's) land-use regulations set out in Municipal Code sections 18.16.058 (Community Care Facilities-Unlicensed (Small) and Sober Living Homes (Small)) and 18.38.123 (Community Care Facilities-Unlicensed and Sober Living Homes) (Municipal Code) as well as the City's proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) (Zoning Code Amendment) pursuant to Government Code sections 65585 and 65008, the latter of which prohibits discrimination in land use.

In support of its review, HCD held a call with City staff on March 23, 2021, to discuss HCD's concerns that the City's Municipal Code and its proposed Zoning Code Amendment potentially conflict with statutory prohibitions on discrimination in land use (Gov. Code, § 65580) by imposing separate, more onerous requirements on housing for a protected class, limiting the use and enjoyment of their homes, and jeopardizing the financial feasibility of group homes, which the City refers to as "community care facilities-unlicensed" and "sober living homes." During the call, City staff requested a letter of technical assistance to assist and inform its City Council regarding the potential impacts their decisions have surrounding these issues. HCD provides the following technical assistance pursuant to that request.

**Background Information: California's Planning and Zoning Law Prohibits Discrimination.**

California's Planning and Zoning Law (Gov. Code, § 65000 et al.) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code section 65008, subdivision (a), deems any action taken by a city or

county to be null and void if such action denies to an individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state due to illegal discrimination. Under the law, it is illegal to discriminate based on protected class such as race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability (including individuals in recovery for drug or alcohol abuse, whether or not they are actively seeking recovery assistance), veteran or military status, or genetic information.

The law further recites multiple categories of actions that are determined to be discriminatory, including:

- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against a protected class (Gov. Code, § 65008, subd. (b)(1)(B));
- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against residential developments because they are “intended for occupancy by persons and families of very low, low, or moderate income, ... or persons and families of middle income” (Gov. Code, § 65008, subds. (a)(3) and (b)(1)(C)); and
- Imposition of different requirements on a residential use by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residential uses. (Gov. Code, § 65008, subd. (d)(2)(A).)

**Proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) Potentially Discriminates**

Recitals in the draft Ordinance for Zoning Code Amendment 2021-00176 include statements that are potentially concerning. The recital notes “continuous resident complaints regarding quasi-residential facilities expressing concerns such as overcrowding, parking, noise, and loitering”; the need to “preserve the character of single-family residential neighborhoods”; and the desire to “provide an accommodation for disabled persons that is reasonable and actually bears some resemblance to the opportunities afforded non-disabled individuals”. The proposed solution to these recited concerns is to regulate Community Care Facilities-Unlicensed and Sober Living Homes, and to require additional distancing requirements between Community Care Facilities-Unlicensed and Sober Living Homes as well as impose additional distancing requirements from residential uses that are deemed “quasi-residential”. The City considers the following residential uses to be quasi-residential:

- Community Care Facilities, regardless of size, both licensed and unlicensed
- Sober Living Homes, regardless of size
- Senior Living Facilities, regardless of size
- Transitional Housing (Large)

- Supportive Housing (Large)
- Short-Term Rental Units (although these are not the subject of these regulations, their impacts are cited as part of the justification for these regulations).

The proposed Zoning Code Amendment is problematic for the following reasons:

- 1) These restrictions lump together various living arrangements for regulation, such as large, licensed community care facilities, with residential homes occupied by individuals or groups of individuals, based only on protected characteristic without explanation, analysis, or data to justify doing so. In fact, the only characteristic that they appear to have in common is that they are occupied by persons with disabilities, a fact that is concerning.
- 2) There are no similar restrictions on non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)
- 3) Regulation of cars, traffic, noise, loitering, and overcrowding can be administered directly through the City's existing laws. This approach applies universally and does not discriminate against persons with disabilities or persons or families with very low, low, moderate, or middle household incomes.
  - a. Population density can be regulated by reference to floor space and facilities.
  - b. Noise and morality can be regulated by enforcement of police power ordinances and criminal statutes.
  - c. Traffic and parking can be regulated by limitations on the number of cars (and applied evenly to all households) and by off-street parking requirements.<sup>1</sup>
- 4) Citywide implementation of distancing requirements threatens the capacity to facilitate a sufficient number of facilities to meet the special needs of the City's residents who require residing in Community Care Facilities and Sober Living Homes.

Existing requirements for Sober Living and Community Care Facilities severely restrict the sites in which they can be located. However, Community Care Facilities may not be located within 300 feet of another Community Care Facility or 800 feet of a Sober Living Home. Sober Living Homes may not be located within 800 feet of another Sober Living Home. (Municipal Code § 18.38.123.020.0205.) Proposed amendments would further, substantially restrict the locations for such residences. In particular, it would extend these kinds of restrictions to preclude Sober Living and Community Care Facilities near senior living facilities, transitional housing, supportive housing, and short-term rentals.

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<sup>1</sup> As the Supreme Court explained in *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, 133: "In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users."

The draft Zoning Code Amendment cites records from the California Department of Social Services dated May 28, 2020, that “show more than 100 state-licensed community care facilities for adults and the elderly are located in the City and that the City is home to 15 licensed and/or certified alcoholism and drug abuse recovery or treatment facilities providing 205 beds.” Since Anaheim’s population is roughly 350,000 persons, and the City’s housing element cites 26,240 persons with disabilities currently residing in the City (2011 ACS, S1810), existing facilities appear to fall short of meeting the need. The Zoning Code Amendment creates additional barriers for persons with disabilities to obtain housing.

The City should treat Group Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The proposed Zoning Code Amendment is an excessive regulation that fails to achieve the expressed intent of “restrict[ing] residential zones to specified types of uses deemed compatible” or “preserv[ing] the character of single-family residential neighborhoods”.

- 5) Transitional and supportive housing regardless of size are by law “residential uses,” not quasi-residential, and may only be subject to the restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) Under state law, for instance, if the transitional or supportive housing is located in a single-family home, the city cannot require a use permit for the transitional or supportive housing unless it also generally requires a use permit for all other single-family homes. Likewise, unless all single-family homes are subject to an operator’s permit, such a permit cannot be required for transitional and supportive housing.<sup>2</sup>
- 6) Community Care Facilities and Sober Living Homes with current distancing less than the proposed requirement are “grandfathered in” only under limited circumstances.
- 7) Under certain circumstances, the grandfathered distancing exemption can be revoked, thus reducing the City’s ability to provide much needed housing and undermining the purpose of grandfathering.
- 8) Persons residing in Community Care Facilities and Sober Living Homes are disabled and generally lower income. Implementing constraints to providing these types of housing opportunities could have the effect of increasing the City’s homeless population and thwarting efforts to house the homeless.

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<sup>2</sup> Note that some Community Care Facilities, Sober Living Homes, and Senior Living Facilities may also qualify as Transitional or Supportive Housing. The City’s ordinance should recognize this and acknowledge that when they do so, the rules for transitional and supportive housing would control under Government Code section 65583.

- 9) The City's obligation is to provide equal opportunities in housing to persons with disabilities as are provided to those without disabilities, not to merely provide opportunities that "bear some resemblance" to the opportunities offered to non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)

### **Existing Municipal Code Sections 18.16.058 and 18.38.123 Potentially Discriminate**

HCD is concerned about Municipal Code sections 18.16.058 and 18.38.123. Although the requirements seek to address the "adverse impacts" of various group homes arrangements, these kinds of ordinances—calling out protected classes for specific regulatory action based on concerns of this nature—can result in significant barriers to housing for persons with disabilities in a way that a more generalized regulatory response, targeting actions or impacts rather than persons, would not.<sup>3</sup>

Existing Municipal Code is problematic for the following reasons:

- 1) *Municipal Code requires a discriminatory permitting process for Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058)*

The Municipal Code requires an onerous permit and registration process for Community Care Homes and Sober Living Homes—including registration with the Orange County Sheriff's Department and compliance with "certification" guidelines crafted for those who are being monitored through the criminal justice system. This onerous and intrusive permit process is not applied in a non-discriminatory manner to all residential uses, and, as such, is a violation of Government Code section 65008, subdivision (d)(2). The City should treat Community Care Facilities and Sober Living Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The Fair Housing Act (FHA) also prohibits the enforcement of zoning ordinances and local housing policies in a manner that denies people with disabilities access to housing on par with that of those who are not disabled.<sup>4</sup> Government Code section 65008, subdivision (d)(2)(A), prohibits imposition of different requirements on a residence intended for occupancy by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residences.

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<sup>3</sup> See, e.g., Brian J. Connolly and Dwight H. Merrian, Planning and Zoning for Group Homes: Local Government Obligations.

<sup>4</sup> See, e.g., United States Department of Justice and United States Department of Housing and Urban Development, Joint Statement: Local Land Use Laws and Practices and the Application of the Fair Housing Act (November 10, 2016) ("Joint Statement"), p. 4 ("A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Fair Housing Act because it treats persons with disabilities differently based on their disability"); see also *Oconomowoc Residential Programs, Inc. v. City of Milwaukee* (7th Cir. 2002) 300 F.3d 775, 783.

- 2) *The Municipal Code applies to both existing and future Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058.040.090)*

The Municipal Code requires facilities existing prior to the effective date of regulations to apply for the Operator's Registration or Operator's Permit within 180 days of the effective date of the regulations. It is questionable whether the retroactive application of the ordinance in this manner is constitutional. The courts have instructed, "If the law effects an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made, the ordinance may be invalid as applied to that property unless compensation is paid"<sup>5</sup> and "The rights of users of property as those rights existed at the time of adoption of a zoning ordinance are well recognized and have always been protected."<sup>6</sup> For this reason, zoning ordinances typically exempt existing uses from new zoning regulations.

- 3) *The Municipal Code requires a 24-hour house manager. (Municipal Code section 18.38.123.020.0203)*

The Municipal Code requires Community Care Facilities and Sober Living Homes to have a house manager reside on site or any number of persons acting as a house manager who are present at the facility on a 24-hour basis or who will be available 24-hours per day, seven days per week to physically respond within 45 minutes. Residents are frequently persons of very low- or low-income and are disabled. The house manager requirement creates a financial hardship on the residents as the additional costs create an additional expense for the residents.

The requirement to have a house manager effectively mandates an "institutional" arrangement that is not "on par with" housing policies for those who are not disabled in conflict with the FHA.<sup>7</sup> It is hugely intrusive in that it interferes with the residents' freedom to live with persons of their choice, and adds significant additional expense, both problematic under notions of fair housing. (Gov. Code, § 65008.)

- 4) *The Municipal Code limits occupancy to residents who are handicapped. (Municipal Code section 18.16.058.040.0401.02)*

Under the Municipal Code, an Operator's Registration and an Operator's Permit application shall be denied or revoked for multiple reasons, including accepting residents, other than a housing manager or staff, who are not handicapped as defined in the FHA and FEHA.

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<sup>5</sup> *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 551-552.

<sup>6</sup> *Edmonds v. Los Angeles County* (1953) 40 Cal.2d 642, 651.

<sup>7</sup> *Oconomowoc Residential Programs, supra*, 300 F.3d at p. 783.

In limiting residence in this way, the Municipal Code impermissibly discriminates on the bases of familial status. (See Gov. Code, § 12955, subd. (l).) The Municipal Code prohibits any residents that are not “handicapped,” which means that Community Care Facilities and Sober Living Homes designed for families are effectively prohibited in the City because these requirements would prevent families, including non-disabled spouses and small children, from residing in the residence. In the context of a Sober Living Home, this prohibition would also effectively preclude sober living arrangements for nursing mothers, mothers of infants or small children, and parents endeavoring to reunify with children after recovery. This restriction effectively mandates an “institutional” arrangement that is not “on par with” housing policies for those who are not disabled in conflict with the FHA.<sup>8</sup>

- 5) *Sober Living Homes require residents to be actively participating in legitimate recovery program. (Municipal Code sections 18.16.058.040.0401.04 and 18.38.123.020.0210.01)*

The Municipal Code contains a requirement for active participation of all residents in a legitimate recovery program located off-site and cites an Operator’s Registration and an Operator’s Permit application shall be denied or revoked for failing to take measures to remove any resident of a Sober Living Home who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Disability rights laws apply not only to individuals with histories of drug addiction or alcoholism who are currently participating in recovery programs, but also those who have completed those programs or who are “erroneously regarded as using drugs when in fact they are not.”<sup>9</sup> Additionally, state or local zoning and land use ordinances may not, consistent with the FHA, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate.<sup>10</sup>

By precluding persons who are not currently participating in established recovery programs, the Municipal Code discriminates based upon disability. Further, the enforcement of such a provision may unconstitutionally intrude into the privacy interests of disabled persons if it forces residents to provide records to the City as part of its land-use enforcement efforts.<sup>11</sup>

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<sup>8</sup> *Oconomowoc Residential Programs*, *supra*, 300 F.3d at p. 783.

<sup>9</sup> *Hernandez v. Hughes Missile System Co.* (9th Cir. 2004) 362 F.3d 564, 568.

<sup>10</sup> Joint Statement, *supra* note 4, p. 13.

<sup>11</sup> See, e.g., Cal. Const. art. 1, § 1.

6) *Other regulations imposing different requirements on Community Care Facilities and Sober Living Homes than are imposed on other residential uses.*

- All facilities shall have a good neighbor policy, which directs residents to be considerate of neighbors, including refraining from engaging in excessively loud, profane, or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. (Municipal Code § 18.38.123.020.0209.03)
- All garages, driveways, and/or assigned parking spaces associated with the facility shall be available for the parking of vehicles at all times. (Municipal Code § 18.38.123.020.0204.01)
- The facility shall not be located in an Accessory Dwelling Unit unless the primary dwelling unit is used for the same purpose. Residents of all units on a parcel will be combined to determine the total number of residents. (Municipal Code § 18.38.123.0201 and 0202)
- Existing, as well as proposed separation requirements. Existing requirements state Sober Living Homes shall not be located within 800 feet of other Sober Living Homes or Alcoholism or Drug Abuse Recovery or Treatment Facilities. Proposed amendments are address earlier in this correspondence. (Municipal Code § 18.38.123.020.0205)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population—persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

7) *Other regulations imposing different requirements on Sober Living Homes than are imposed on other residential uses.*

- A Sober Living Home shall have a visitation policy that precludes any visitors who are under the influence of any drug or alcohol. (Municipal Code § 18.38.123.020.0210.02)
- A Sober Living Home shall have a controlled substance policy, which, at a minimum, states the prohibition of the use of any alcohol or any non-prescription drugs at the facility or by any resident either on- or off-site. (Municipal Code § 18.38.123.020.0210.03)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population – persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

**Community Care Facilities and Sober Living Home requirements may conflict with housing element policies and programs**

HCD reminds the City that its decisions and actions must align with, and not contradict, the policies, principles, and strategies included in its current 5<sup>th</sup> cycle housing element. Community Care Facilities and Sober Living Home requirements may conflict with or fail to implement multiple provisions of the City's general plan housing element, including:

- Policy Consideration 5.0: Affordable Housing Opportunities for Anaheim Residents
- Policy Consideration 7.0: Housing Availability and Affordability
- Guiding Principle B: The availability of a range of housing choices for a variety of incomes in Anaheim contributes to a balanced community and community investment.
- Guiding Principle C: Persons with special housing needs should have access to a variety of housing choices that are integrated within the community.
- Housing Production Strategy 1D: Encourage the Development of Housing for Extremely-Low-Income Households
- Housing Production Strategy 1E: Encourage the Development of Housing for Special Needs Households
- Housing Quality and Design Strategy 3B: Monitoring of Adopted Reasonable Accommodation Procedures
- Affordable Housing Opportunity Strategy 5A: Local Support of Regional Fair Housing Efforts

Additionally, HCD reminds the City that its housing element update for the 6<sup>th</sup> cycle planning period is due October 15, 2021. While multiple laws require the element to analyze and include programs to mitigate potential governmental constraints, including constraints for persons with disabilities (Gov. Code § 65583, subds. (c)(3), (c)(5), (a)(5), and (a)(7)), new requirements surrounding the City's obligation to affirmatively further fair housing (Gov. Code § 65583, subd. (c)(10)) also apply. Implementation of discriminatory regulations not only violates Housing Element Law, it fails to allow the City to meet its obligation to affirmatively further fair housing pursuant to Government Code section 8899.50.

**Conclusion**

HCD reminds the City that California is experiencing a severe housing crisis and the availability of housing affordable to all income levels is of vital statewide importance. (Gov. Code § 65580.)

HCD has reviewed the City's municipal code and proposed amendments under Government Code section 65585. HCD's authority pursuant to Government Code

section 65585 extends to statutory prohibitions on discrimination in land use (Gov. Code, § 65008). HCD has found that the City's municipal code potentially discriminates against persons in protected classes and that adoption of Zoning Code Amendment No. 2021-00176 (DEV2021-0027) would amplify HCD's concerns. HCD recommends the City reject the Zoning Code Amendment and amend its current municipal code to ensure it adheres to the nondiscrimination requirements in Government Code section 65008.

Thank you for reaching out to HCD for this guidance. For technical assistance regarding the City's 6<sup>th</sup> cycle housing element update, please contact Marisa Prasse at [Marisa.Prasse@hcd.ca.gov](mailto:Marisa.Prasse@hcd.ca.gov). If you have any questions or would like to discuss the content of this letter, please contact Robin Huntley at [Robin.Huntley@hcd.ca.gov](mailto:Robin.Huntley@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West".

Shannan West  
Land Use & Planning Unit Chief

**RESOLUTION NO. 18-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND APPROVING CONDITIONAL USE PERMIT PA-16-04 FOR A SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING HOUSING NINE OCCUPANTS (INCLUDING ONE LIVE-IN HOUSE MANAGER) WITHIN THREE EXISTING UNITS AT 2041 TUSTIN STREET**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Summit Coastal Living with respect to the real property located at 2041 Tustin Avenue; and

WHEREAS, the application submitted to the City consists of a Conditional Use Permit to allow the subject sober living facility to serve up to 12 residents and one house manager within three existing units; and

WHEREAS, the City of Costa Mesa recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing disabled persons, as defined by state and federal law, the opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions; therefore, providing greater access to residential zones to group homes, including sober living homes, than to boardinghouses or any other type of group living provides a benefit to the City and its residents; and

WHEREAS, the City of Costa Mesa has adopted standards for the operation of group homes, residential care facilities and state licensed drug and alcohol facilities that are intended to provide opportunities for disabled persons, as defined by state and federal law, to enjoy comfortable accommodations in a residential setting; and

WHEREAS, the City of Costa Mesa has found that congregating sober living homes in close proximity to each other does not provide disabled persons, as defined in state and federal law, with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide

relief from for the disabled, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, the City of Costa Mesa has determined that a separation requirement for such facilities will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than disabled persons; and

WHEREAS, the City of Costa Mesa has determined that a group home, sober living home or state licensed drug and alcohol treatment facility shall be operated on a single parcel of land; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and has been found to be categorically exempt from CEQA under Section 15301 (Existing Facilities); and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa; and

WHEREAS, the conditional use permit application was processed in the time and manner prescribed by federal, state and local laws; and

WHEREAS, on August 28, 2017 the Planning Commission conducted a duly noticed public hearing, at which time interested persons had an opportunity to testify either in support of or in opposition to the application, and determined by a 4-1 vote to deny the Application; and

WHEREAS, the Planning Commission voted 5-0 at its meeting of September 11, 2017, to adopt Resolution PC-17-32 denying this application; and

WHEREAS, the Applicant appealed the decision of the Planning Commission in a timely manner; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 20, 2018, with all persons having the opportunity to speak for and against the proposal, at which time the Council voted 3-2 to approve the Application; and

WHEREAS, at the public hearing held by the City Council on March 20, 2018, the applicant expressly agreed to be bound by all of the conditions of approval set forth herein, including, but not limited to numbers 17, 28, 29 and 30 as set forth in Exhibit B hereto; and

WHEREAS, the resolution memorializing the City Council's decision on March 20, 2018 to approve the application was placed on the agenda for City Council meeting of April 3, 2018; and


WHEREAS, at its meeting of April 3, 2018, based on issues raised during public testimony, the City Council directed that a new public hearing should be held by the City Council to determine if the application should be approved or denied; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 5, 2018, with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED, therefore, that based on the evidence in the record, the applicant's agreement to be bound by the conditions of approval and the findings contained in this resolution, the City Council hereby **REVERSES THE PLANNING'S COMMISSION'S DENIAL** and **APPROVES** Conditional Use Permit PA-16-04.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 5<sup>th</sup> day of June, 2018.**

  
Sandra L. Genis, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green  
Brenda Green, City Clerk

Thomas Duarte  
Thomas Duarte, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 18-16 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 5<sup>th</sup> day of June, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Righeimer, Stephens, Mansoor, and Genis.

NOES: COUNCIL MEMBERS: Foley

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 6<sup>th</sup> day of June, 2018.

Brenda Green  
Brenda Green, City Clerk

## EXHIBIT A

### FINDINGS (APPROVAL)

- A. The Information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

**Finding:** The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

**Facts in Support of Findings:** A sober living home is a supportive living environment for persons who are recovering from drug and/or alcohol addiction. The subject property is not within 650 feet of any other sober living home or state licensed drug and alcohol facility that is currently permitted pursuant to City of Costa Mesa land use requirements. This separation distance helps to preserve the residential character of neighborhoods and facilitates General Plan Land Use Element Goal LU-1F.1 and Housing Element Goal HOU-1.2 in that it protects existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. The configuration of the buildings and the site's proximity to an alley on the easterly property line help minimize potential impacts.

The sober living home has operated at this location for more than five years. During that time, the City has received no complaints regarding the operation of the facility from surrounding residents. The facility has generated few requests for emergency services, and no requests for Code Enforcement action. The property is well maintained. The applicant has operated this facility in a manner that does not conflict with the residential character of the neighborhood. There is adequate space to accommodate vehicles belonging to the occupants on the driveway and on the street.

**Finding:** Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

**Facts in Support of Findings:** As part of the application process, the sober living operator was required to Live Scan all owners/operators who have contact with residents and house managers. Additionally, the sober living operator submitted a copy of the House Rules, Relapse Policy and all forms distributed to residents. These documents demonstrate that the facility will be operated in a manner consistent with the provisions of the Costa Mesa Municipal Code. There have not been any code enforcement complaints since Summit Coast Living began operating at the property more than five years ago. Further, the facility has not generated an extraordinary number of calls for emergency services which would place an unreasonable burden on City services.

The Costa Mesa Municipal Code and the conditions of approval require the owner to operate the facility in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Existing mature landscaping, fences and an adjacent alley provide a buffer from adjacent properties and the adjoining street and sidewalk, helping to minimize impacts to the surrounding neighborhood. The owner will provide his name and phone number to neighbors so they may contact him if there are any concerns regarding operation of the facility. The sober living home is subject to a City inspection of the interior and/or exterior of the facility to verify that the approved use has not been altered and that the property complies with all applicable code(s) upon 24-hour written notice.

The operator is an active member of The Sober Living Network, a non-profit organization that sets the most comprehensive standards for sober living homes in the nation. This organization conducts annual inspections to insure member facilities are in compliance. The standards promulgated by this organization can be found at [www.soberhousing.net](http://www.soberhousing.net). These standards reinforce the City's regulations.

The facility will house up to eight residents and one house manager (as conditioned) in three existing units. Combined, these units feature seven bedrooms and four bathrooms. There are also three kitchens, three indoor living areas, and distinct outdoor living areas. The project provides seven parking spaces, and there are additional parking spaces available in the driveway should they be needed by residents. The proposed occupancy of the facility is reasonable. The owner has demonstrated an ability to operate the facility in a manner that is compatible with the neighborhood.

**Finding:** Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

**Facts in Support of Findings:** The use is consistent with Housing Element Goal HOU-1.8 of the General Plan, which encourages the development of housing that fulfills specialized needs by providing living opportunities for disabled individuals. The facility provides an accommodation for the disabled that is reasonable and actually resembles the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a residential neighborhood. The facility offers a comfortable living environment that will enhance opportunities for the disabled, including recovering addicts, to be successful in their programs.

The subject property contains three existing units on a legal non-conforming site. The proposed use is consistent with the general plan designation.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities.
- C. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng.
1. Once Issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.
  2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.
  3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, and these conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
  4. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.
  5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).
  6. The project is subject to compliance with all applicable federal, state, and local laws.
  7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.
  8. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.
10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.
11. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/or manager shall institute whatever measures are necessary to comply with this requirement.
12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.
13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.
15. The applicant shall provide neighbors with the telephone number of the on-site manager and/or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.
16. The sober living home shall not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.
- CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).
18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.
20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.
21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.
22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.
23. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.
24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:
  - a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
  - b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
  - c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
  - d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.
26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.
27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.
28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.
29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.
30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

### **CODE REQUIREMENTS**

- Ping. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.
- Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.



## CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle  
Summit Coastal Living  
2100 Highland Dr.  
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

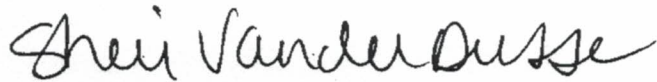
At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.

To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at [jennifer.le@costamesaca.gov](mailto:jennifer.le@costamesaca.gov). Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Sincerely,

A handwritten signature in cursive script that reads "Sheri Vander Dussen".

Sheri Vander Dussen, AICP  
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services  
Fidel Gamboa, Community Improvement Manager  
File: PA-16-04

## VANDER DUSSEN, SHERI

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**From:** GAMBOA, FIDEL  
**Sent:** Tuesday, August 7, 2018 2:07 PM  
**To:** 'krandle@villarealestate.com'; 'Keith Randle'  
**Subject:** Conditional Use Permit PA-16-04  
**Attachments:** PA-16-04 2041 Tustin.pdf

Keith,

please see the attached notice from Sheri Vander Dussen. We have not heard back from you regarding the remaining to-do items on your Conditional Use permit. Please contact Jennifer Le at (714) 754-5617 regarding your intent to implement conditional use permit #PA-16-04. To setup a fire inspection, please contact Jon Neal at (714) 754- 5049 and to obtain a business license please visit City hall at 77 Fair drive on the 1<sup>st</sup> floor. If the City does not hear back from you within seven (7) business days, I will have to hand the matter over to code staff for enforcement of City regulations.

Thank you,



**FIDEL GAMBOA JR | COMMUNITY IMPROVEMENT MANAGER**  
City of Costa Mesa | Development Services Department  
Phone 714.754.5625 | Fax 714.754.4856



City of Costa Mesa, Development Services Department  
77 Fair Drive, P.O. 1200, Costa Mesa, CA 92628-1200  
Phone: (714) 754-5245 Fax: (714) 754-4856 [www.costamesaca.gov](http://www.costamesaca.gov)

**Zoning**  
Office to Assign

## OPERATOR'S PERMIT APPLICATION (Group Homes with 7 or more occupants)

### PART 1 – PROPOSED FACILITY LOCATION

Property Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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### PART 2 – PROJECT DESCRIPTION [Please check type of permit you are requesting]

- ☐ Group Home  
☐ Sober Living Home

*[Describe your proposed facility and attach detailed description and required submittal information]*

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### PART 3 – FACILITY OWNER/OPERATOR INFORMATION (CMMC Sec.9-374(a)(1))

Name of Facility Operator/Owner: *[Individual or corporation]* \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Driver's License Number \_\_\_\_\_ Type \_\_\_\_\_ State \_\_\_\_\_ Exp. Date \_\_\_\_\_

☐ Supplemental Operator/Owner Information Attached

*\* Provide a complete list of Owners/Corporate Officers including titles and indicate those involved in Group Home Operational Tasks.*

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## PART 4 – PROPERTY OWNER INFORMATION

PROPERTY ADDRESS: \_\_\_\_\_ APN: \_\_\_\_\_

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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## PART 5 – HOUSE MANAGER INFORMATION (CMMC Sec. 9-374 (a)(2))

Name of Live-in House Manager \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Driver's License Number \_\_\_\_\_ Type \_\_\_\_\_ State \_\_\_\_\_ Exp. Date \_\_\_\_\_

☐ Supplemental House Manager Information Attached

**\*\*** Provide a complete list of all House Managers who will be responsible for the Group Home 24-hours/7-days per week.

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## PART 6 – REQUIRED DOCUMENTS

Application must provide the following attachments:

1. Copy of the Group Home Rules & Regulations (CMMC Sec. 9-374 (a)(3))
  2. Copy of the Written Intake Procedures (CMMC Sec. 9-374 (a)(4))
  3. Copy of the Relapse Policy (CMMC Sec. 9-374 (a)(5))
  4. Blank forms that all residents and potential residents are required to complete. (CMMC Sec. 9-374 (a)(7))
  5. Copy of Conditional Use Permit (CMMC Sec 13-323)
- 

## PART 7 – REASONABLE ACCOMMODATION REQUEST (CMMC Sec. 9-374 (c))

Are you requesting Reasonable Accommodation?\*

- ☐ Yes  
☐ No

*\*If you are requesting reasonable accommodation, you must complete Part 10 starting on Page 4.*

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## PART 8 - Affirmation

Please read carefully:

I understand that as defined by Title 1 section 1-35(l) that I am deemed the responsible party for any violation(s) of the Costa Mesa Municipal Code that may arise at the proposed facility location.

I also affirm that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home.

I also understand that the operation of this Group Home or Sober Living facility will adhere, unless exempt through a reasonable accommodations approval, to all the requirements listed under section 9-374 (a) and (b) of the CMMC.

I certify that this Group Home or Sober Living facility is not, and will not be, operated as an "integral facility" or an "integral use" as defined in CMMC 13-6.

I declare under PENALTY OF PERJURY under the laws of the State of California that the foregoing statements are true and correct and that any permit issued based on false or misleading statements will be deemed invalid.

Signatures – Property owner and Facility Owner/Operator must both sign.

### Facility Owner/Operator

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Property Owner

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION**

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## PART 9 BELOW – "OFFICE USE ONLY"

Date Application Received: \_\_\_\_\_ By: \_\_\_\_\_

Date Application Determined Complete: \_\_\_\_\_ By: \_\_\_\_\_

Assigned Case No.: \_\_\_\_\_

Reasonable Accommodation Included?

☐ Yes

☐ No



## CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

September 9, 2021

Keith Randle  
2100 Highland Dr.  
Newport Beach, CA 92660

Subject: PA-16-04; Approval of a Purported Sober Living Home at 2041 Tustin Avenue

Dear Keith,

In response to a recent inquiry of yours regarding the Operator's Permit for your facility at 2041 Tustin Avenue, our staff searched City records. As a result, we have determined that the City never did issue an Operator's Permit for this facility.

You may recall that on June 5, 2018, the City Council adopted Resolution No. 18-16 approving your Conditional Use Permit (CUP) application. A copy of this resolution was transmitted to you by the City Clerk on June 15, 2018. The Council reversed a prior decision of the Planning Commission to deny your CUP. Resolution No. 18-16 includes 30 conditions of approval.

During the search for your Operator's Permit, I discovered that I sent you a letter on July 20, 2018 asking you to contact Jennifer Le, then Assistant Director of Development Services, regarding your intent to comply with two conditions of approval that were supposed to be satisfied within 30 days. On August 7, 2018, Fidel Gamboa, Community Improvement Manager, sent an email to you, reminding you of the need to contact Ms. Le regarding compliance with your conditions. The City does not have a record of your response to either of these communications.

After reviewing the City's records, I have determined that the City has no evidence of your compliance with the following conditions of approval:

Condition 1: Once issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.

*An Operator's Permit was never issued.*

Condition 2: The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

*Your application requested approval to serve 13 men, plus one house manager. There is no documentation in the City's records that you reduced the occupancy of this facility.*

Condition 13: The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the permit.

*The Fire Department has no record of you requesting this required inspection.*

Condition 14: The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

*The Finance Department indicates that no business license was ever issued.*

Condition 27: All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automotive parking.

*The City's records do not include the required documentation that parking spaces remain free and clear for parking of vehicles associated with the group home.*

In order to comply with the terms of the CUP, please take the following steps immediately.

1. Submit a new application for the Operator's Permit. I have attached a copy of the application. A new application will ensure that all information is current since the original application was filed in 2016. (There will be no fee to process this application.) If you believe your current house manager already passed the City's live scan background check, we would be happy to confirm that once the Operator's Permit application has been submitted. Please submit this application directly to me.
2. Contact the Fire Department to schedule the required fire inspection. You may reach our Fire Marshal, Jon Neal, at 714-754-5409.
3. Contact Fidel Gamboa, Community Improvement Manager, at 714-754-5625 to arrange an inspection of the property to confirm that the number of residents and beds has been reduced to eight, as required by the City Council. This inspection will also confirm that all required parking spaces remain accessible for parking.
4. Apply for and obtain a Business License. Please note you will be required to remit back taxes and penalties since you have been operating without a business license for three years.

Condition 23 states, "This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services." Failure to comply with the steps outlined above within 30 days will result in enforcement action by the City, which may ultimately lead to a public hearing to consider revoking the CUP that allows operation of the group home at this location.

If you have any questions regarding the actions necessary to demonstrate compliance with Resolution No. 18-16, please feel free to contact me at 714-754-5278 or via email at [sheri.vanderdussen@costamesaca.gov](mailto:sheri.vanderdussen@costamesaca.gov).

Regards,



Sheri Vander Dussen  
Interim Assistant Director

Attachments: Letter dated July 20, 2018 regarding compliance with Resolution No. 18-16  
Email dated August 7, 2018, from Fidel Gamboa  
Operator's Permit Application

C: Jon Neal, Fire Marshal  
Fidel Gamboa, Community Improvement Manager  
Tarquin Preziosi, Assistant City Attorney  
File: PA-16-04

## ARIOS, JUSTIN

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**From:** Keith Randle <kbrandle@yahoo.com>  
**Sent:** Thursday, September 23, 2021 3:44 PM  
**To:** john.buettner@hcd.ca.gov; compliancereview@hcd.ca.gov; Housing Element  
**Subject:** Fw: City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element  
**Attachments:** HVD follow up letter to John Bruenner STATE of Ca.\_000168.pdf

Keith Randle Broker Associate Villa Real Estate 949.689.8880 Cell 949.698.1288 Office krandle@villarealestate.com BRE # 00993898

----- Forwarded Message -----

**From:** Keith Randle <kbrandle@yahoo.com>  
**To:** john.buettner@hcd.ca.go <john.buettner@hcd.ca.go>; compliancereview@hcd.ca.gov <compliancereview@hcd.ca.gov>; housing-element@costamesaca.gov <housing-element@costamesaca.gov>  
**Sent:** Thursday, September 23, 2021, 03:37:52 PM PDT  
**Subject:** City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element

John,  
As requested by you I am following you with the synopsis we discussed in detail yesterday.  
I have also copied the City of Costa Mesa.  
Thanking you in advance for your help on this urgent matter

Keith Randle  
Summit Coastal Living  
949 689-8880

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.



# Summit Coastal Living

*a sober community of living*

**2041 Tustin Ave A, B and C. Costa Mesa Ca. 92627**

## **Synopsis**

The above referenced property was built in 1969 as a legal Triplex. It is located in the City of Costa Mesa. It sits on a 9629 sq ft lot and is 3312 sq ft of livable sq footage. The configuration is as follows.

One 3 Bedroom, 2 bathrooms detached home plus two 2-bedroom, 1 bathroom apartment style units in the rear of the property. Each unit has a functioning kitchen. There are a total of 4 enclosed garages. There is additional off street / driveway parking for approx. 10 additional cars. There are a total of 3 laundry areas. Units A & B have large enclosed yards, while unit C has a large 2<sup>nd</sup> story open deck which is approx. 440 sq ft. Each unit has its own mail box, electric and gas meter, there is a common water meter.

Unit A houses 5 residents, Unit B houses 4 residents, unit C houses 4 residents, a total of 13 residents since 2013. Per the city of Costa Mesa's housing element at the time of application and approval, I would be able to house 4.5 residents in each of the 2-bedroom homes and 6 residents in the 3-bedroom home. A total of 15 residents

The surrounding properties are multi family dwelling, condominiums and single-family homes. My Triplex is of the same configuration as approx. 20 of my immediate neighbors.

The Triplex directly behind me is identical in configuration and for the past 4-5 years has also houses a total of 13 residents.

I have owned the property since February 2006. In October on 2013, seeing a need for quality sober housing in the area, I starting renting homes out to sober male residents. Being a real estate Broker and property manager for this property (plus others that I own in Costa Mesa) the transition was seamless. **I offer no services other than housing.** My homes are fully furnished and I operate on a 30-day month to month lease agreement.

The City nor any of my neighbors knew the residents of this property were sober until I made application for a conditional use permit (CUP) in 2016, based on the City of Costa Mesa's Ordinance PA -16-04. This ordinance was enacted by Costa Mesa to limit the number of sober living homes to one home within a 650-foot radius and the number of occupants per home to 6 residents. I was the first to make application for two properties that I own and rent as sober housing. The other property is located one mile away at 165 East Wilson Street, Costa Mesa. The city put added pressure on the existing sober living homes by stating that the order one's application was received, was the order the application was reviewed.

I had the first, 165 E Wilson and second, 2041 Tustin Ave applications submitted per the City's Ordinance. I believe there were approx. 20 plus applications submitted pursuant to Ordinance PA-16-04. To the best of my knowledge my two properties were the only applications approved in the past 5 years. All the other applications were denied at the planning commission level and again on appeal to the City Council. Reasonably accommodation was applied for but denied in all cases

It is interesting to note that the approval of 165 E. Wilson Street eliminated 6 other sober living homes within the 650-foot radius. About 2 years later when 2041 Tustin Ave was approved it had different conditions attached to the approval (see attached conditions of approval). I argued at the appeals that the two properties were very similar in their configuration. I believe to this day the city had no intentions of approving 2041 Tustin Ave. I believe it was the city's intent to use the ordinance to totally eliminate sober housing within the city. They were hoping that I would just go away. As time went on and I became more educated on federal law and state code (65000 et.al) and more importantly the Housing Elements, I became more and more determined to fight for my property legal rights.

The process became very contentious and political. The city kept making changes to the original application and it took about 8-12 months to actually have a hearing at the Planning Commission. During this time, the city saw they were over their head with the ordinance, so they hired an outside consulting firm, Kimley-Horn, to manage the process and to write the staff reports. The Lead Consultant was Sheri Vander Dussen. The consultant's report either denied or recommended that an application move forward to the planning commission hearing. There was a total of 6 staff reports written for 2041 Tustin Ave. In all cases the consultant recommended approval of the application as presented. It was denied by the planning commission twice, then I had appeals presented to two city councils. Finally, the city council approved my application with conditions (attached).

During this process I learned, along with others, that the City's Ordinance violated federal fair housing laws. Additionally, at my second city council appeal, I challenged the city council that the city of Costa Mesa was in violation of its own **Housing Element** with the conditions of approval they were placing on my application with regard to the number of occupants

Since 2013 to present, I have rented the homes as sober living residences. During this time, I have never had a complaint from a neighbor directed to me or to the city of Costa Mesa. Additionally, there has been calls for service only two times within this eight-year time frame. As stated earlier, it was unknown to the city or my immediate neighbors it was a sober residence. My ex-wife owns the property next to me and she did not know until I asked her to write a recommendation for me that I included in my application. My 19- and 20-year-old children at the time of the application did not know. I have always been very mindful of my neighbors and the privacy of my residents. I have always been very hands on. I live ½ mile from the property and visit it multiple times, daily.

**To sum up the 30 ways the City of Costa Mesa treats me differently to my neighbors is outlined in the attached Exhibit B, Conditions of Approval.**

**The most egregious being condition number 29. "No more than two residents living in the facility at any one time shall have a domicile outside the state of California".**

As I stated in my complaint, I am a real estate broker in California. By agreeing to the above I would knowingly be putting my broker's license and livelihood in jeopardy.

I have attached a Comparative Analysis between the two properties that I applied for the CUP. 165 East Wilson and 2041 Tustin Ave. As you will see, I truly believe the property at 165 E Wilson was approved by the planning commission at the first hearing as it eliminated 6 other sober living homes within the 650-foot radius. I also believe the property at 2041 Tustin Ave was denied by the planning commission two times as its approval would not eliminate any sober living homes within the 650-foot radius.

The city of Costa Mesa discriminates against residents of sober living homes and it violates State and Federal housing Laws. They are in breach of their current housing element and should be sanctioned with cease-and-desist notice, as the city of Anaheim and Encinitas have been by your state agency. They should not be awarded a renewal of their housing element as a reward for their violations. Time is of the essence. I ask that you act on this matter against the City of Costa Mesa to send a message to all other California cities who want to act in the same discriminatory way.

Thanking you in advance.

Sincerely,

A handwritten signature in black ink that reads "Keith Randle". The signature is written in a cursive, flowing style.

Keith Randle

[www. Summitcoastalliving.com](http://www.Summitcoastalliving.com)

949 689-8880



## CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle  
Summit Coastal Living  
2100 Highland Dr.  
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.


To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at [jennifer.le@costamesaca.gov](mailto:jennifer.le@costamesaca.gov). Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Building Division 714.754.5273 • Code Enforcement & Community Improvement Division 714.754.5623

Housing & Community Development 714.754.4870 • Planning Division 714.754.5245

Fax 714.754.4856 • [www.costamesaca.gov](http://www.costamesaca.gov)

Sincerely,



Sheri Vander Dussen, AICP  
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services  
Fidel Gamboa, Community Improvement Manager  
File: PA-16-04

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng.
1. Once Issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.
  2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.
  3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, and these conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
  4. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.
  5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).
  6. The project is subject to compliance with all applicable federal, state, and local laws.
  7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.
  8. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.
10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.
11. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/or manager shall institute whatever measures are necessary to comply with this requirement.
12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.
13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.
15. The applicant shall provide neighbors with the telephone number of the on-site manager and/or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.
16. The sober living home shall not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.
- CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).
18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.
20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.
21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.
22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.
23. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.
24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:
  - a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
  - b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
  - c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
  - d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.
26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.
27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.
28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.
29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.
30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

### CODE REQUIREMENTS

- Plng. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.
- Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12

1750 EAST 4<sup>TH</sup> STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6000

FAX (657) 328-6522

TTY 711

[www.dot.ca.gov/caltrans-near-me/district12](http://www.dot.ca.gov/caltrans-near-me/district12)*Making Conservation  
a California Way of Life.*

October 5, 2021

Mr. Daniel Ilones  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

File: IGR/CEQA  
SCH#: None  
IGR LOG #2021-01784  
Citywide

Dear Mr. Ilones

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft 6<sup>th</sup> Cycle Housing Element for the City of Costa Mesa. The Housing Element is one of the seven State mandated elements included in the City of Costa Mesa's General Plan. The purpose of the Housing Element is to identify a high-level strategy and blueprint for addressing the City's existing and projected housing needs over the eight-year planning cycle. It contains a detailed work program of the City's housing goals, policies, quantified objectives, and actions or programs for the preservation, improvement, and development of housing for a sustainable future.

The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. Caltrans is a responsible agency on this project and has the following comments:

**Transportation Planning**

1. As part of the development of Affordable Housing policies, consider the relationship between housing and transportation. New and/or affordable housing should incorporate opportunities to support sustainable and multimodal transportation options, including, but not limited to, transit, walking and biking, and electric cars and bicycles.
2. According to Government Code 65302, "upon the next revision of the Housing Element on or after January 1, 2020, the Safety Element shall be reviewed and updated as necessary to identify residential developments in

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

any hazard are as identified in the Safety Element that do not have at least two emergency evacuation routes." Safety elements are also now required to include more information about wildfire risks in the community and how to improve wildfire safety. As well as identifying new information related to flood hazards and climate adaptation and resiliency strategies applicable to the city. For further information regarding required background information and policy program guidance for Safety Element updates, please see <https://leginfo.legislature.ca.gov>.

3. Safety is one of Caltrans' strategic goals. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.
4. New developments resulting from the City's Housing Element update should provide a Vehicle Miles Traveled (VMT) based Traffic Impact Study (TIS). Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.

#### **Encroachment Permits**

5. In the event of any activity in Caltrans right of way an Encroachment Permit will be required. All environmental concerns must be addressed. If the environmental documentation for the project does not meet Caltrans requirements, additional documentation would be required before approval of the Encroachment Permit. For application forms and specific details on Caltrans Encroachment Permits procedure, please refer to Encroachment Permits Manual. The latest edition of the Manual is available on: <http://www.dot.ca.gov/trafficops/ep/apps.html>.

Mr. Daniel Ilones  
October 5, 2021  
Page 3

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Maryam Molavi, at (657) 328-6280 or [Maryam.Molavi@dot.ca.gov](mailto:Maryam.Molavi@dot.ca.gov).

Sincerely,



Scott Shelley  
Branch Chief, Regional-IGR-Transit Planning  
District 12